

HOUSE OF REPRESENTATIVES

MONDAY, February 23, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we would heed Thy word, "They that wait for the Lord shall renew their strength." May it be our life purpose to do Thy will, to put on the badge of Thy discipleship and wear it worthily. Give us the assurance of the ultimate triumph of all things good; which allegiance to Thee can only give. How we bless Thee for the genius and sacrifice of our forefathers, chief among whom is he whose dust sleeps upon the banks of the Potomac. Through faith in God, in His word, and that right makes might, they widened the bounds of freedom for all time. Keep us true to our trust and responsibility and animate us with the same power, that the foundations of our Republic may remain secure to bless mankind. Amen.

The Journals of the proceedings of Saturday and Sunday were read and approved.

SUIT FOR DAMAGES AND SALVAGE OF VESSELS BELONGING TO THE UNITED STATES

Mr. UNDERHILL. Mr. Speaker, I present a conference report on the bill (H. R. 9535) authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to the public vessels belonging to the United States, and for other purposes, for printing under the rule.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7190. An act to amend the China trading act, 1922; and H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States;

S. 4320. An act to extend the time for construction of a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.;

S. 4307. An act to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind.;

S. 4306. An act granting the consent of Congress to R. L. Gaster, his successors and assigns, to construct a bridge across the White River;

S. 4284. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark.;

S. 4260. An act to provide for the relief of certain Treasury Department disbursing officers; and

S. 1633. An act for the relief of James F. Jenkins.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

ENROLLED BILLS SIGNED

Mr. ROSENBLIOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11957. An act to authorize the President in certain cases to modify visé fees;

S. 2803. An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes;

S. 3173. An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes;

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes;

H. R. 7190. An act to amend the China trade act, 1922; and H. R. 4202. An act to amend section 3186 of the Revised Statutes, as amended.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States; to the Committee on Agriculture.

S. 4260. An act to provide for the relief of certain Treasury Department disbursing officers; to the Committee on Naval Affairs.

S. 4320. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; to the Committee on Interstate and Foreign Commerce.

S. 4307. An act to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind.; to the Committee on Interstate and Foreign Commerce.

ADJUDICATION OF CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. I call up the conference report on the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same with amendments as follows: On page 2, in the fourth line of section 2 of the Senate engrossed amendment, strike out the word "Lawfully"; on page 5, in the fourth line of section 6, after the word "annum," insert "for a period of not exceeding five years"; on page 6, line 4, strike out "including the salaries paid said attorneys or firms of attorneys"; on page 6, at the end of line 6, change the colon to a comma and add "and in no event shall such additional compensation for the two attorneys or firm of attorneys exceed \$40,000"; and the Senate agree to same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same.

HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,

Managers on the part of the House.

J. W. HARRELD,
JOHN B. KENDRICK,
CHAS. L. MCNARY,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The House agrees to the language of the Senate amendment with amendments which will protect the Government in every way, and we have inserted an amendment limiting the fees of the attorneys for the Indians. The language of the Senate

amendment provides for a final settlement of the claims which have been before Congress for a number of years and will wind up the affairs of the Chippewa Indians of Minnesota.

HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DIVISION OF LANDS AND FUNDS OF OSAGE INDIANS

Mr. SNYDER. Mr. Speaker, I call up the conference report on the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians of Oklahoma,' and for other purposes."

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate, numbered 1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the words "Commissioner of Indian Affairs" and insert "Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: After the word "specified," strike out the word "shall" and insert in lieu thereof the word "may," and strike out the words "Commissioner of Indian Affairs" and insert in lieu thereof the words "Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 3 of the Senate engrossed amendment strike out "through mistake of law and which should have been reserved by the Secretary of the Interior" and insert "in excess of \$4,000 per annum each for adults and \$2,000 each for minors"; and in line 9 strike out the words "now in their possession," and in line 13 strike out the words "moneys expended and purchases and investments made by legal guardians in accordance with the laws of the State of Oklahoma are hereby declared to be legal," and at the end of section 1 of the bill insert "Within 30 days after the passage of this act such guardian shall render and file with the Secretary of the Interior or the Superintendent of the Osage Agency a complete accounting, fully itemized, under oath, for the funds so paid to him and pay to the said Secretary or Superintendent any and all moneys in his hands at the time of the passage of this act, which have been paid him in excess of \$4,000 per annum each for adults and \$2,000 each for minors. The said guardian shall at the same time tender to said Secretary or superintendent all property of whatsoever kind in his possession at the time of the passage of this act, representing the investment by him of said funds. The Secretary or Superintendent is hereby authorized to accept such property or any part thereof at the price paid therefor by said guardian for the benefit of the ward of such guardian, if in his judgment he deems it advisable, and to make such settlement with such guardian as he deems best for such ward. Failing to make satisfactory settlement with said guardian as to said investments or any part thereof, the Secretary is authorized to bring such suit or suits against said guardian, his bond, and other parties in interest as he may deem necessary for the protection of the interests of the ward and may bring such action in any State court of competent jurisdiction or in the United States district

court for the district in which said guardian resides"; and the Senate agree to the same.

H. P. SNYDER,
FRED W. DALLINGER,
CARL HAYDEN,

Managers on the part of the House.

J. W. HARRELD,
CHAS. L. McNARY,
ROBT. L. OWEN,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The word "devisee," as inserted by Senate, is accepted.

On No. 2: Provides that minors over 18 years of age will receive \$1,000 quarterly.

On No. 3: Provides that minors under 18 years of age will receive \$500 quarterly.

On No. 4: Provides that all the rentals due from the lands of the Indians shall be paid to them in lieu of the House language limiting these payments to \$500 per quarter.

On No. 5: Provides that the Secretary of Interior shall have supervision over funds of adults where it is found they are squandering their money.

On No. 6: Provides that the Secretary of the Interior may pay to the Indian his entire income accumulating in the future from certain sources.

On No. 7: Provides for the method of investment of the funds of the Osage Indians.

On No. 8: Inserts the words "or approval," as agreed in Senate.

On No. 9: Provides for the method of return to the supervision of the Government of the moneys inadvertently paid to the guardians.

On No. 10, 11, 12, and 13: The amendments are clarifying language.

On No. 14: Provides for the payment to the estates of deceased Indians.

On No. 15: Provides for the payment of debts of Indians when a certificate of competency is revoked.

On No. 16: This is clarifying language.

On No. 17: This is clarifying language.

On No. 18: Provides that hereafter anyone not of Indian blood can not inherit from Osage Indians who are one-half or more Indian blood, but does not apply to existing marriages.

H. P. SNYDER,
FRED W. DALLINGER,
CARL HAYDEN,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD, from the Committee on Appropriations, presented a conference report on the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year 1926, and for other purposes, which was ordered printed under the rule.

Mr. OLDFIELD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLDFIELD. Mr. Speaker, when will this report come up again under the rule, to-morrow?

The SPEAKER. That depends upon the gentleman from Indiana. It will be privileged after to-day.

PULLMAN SURCHARGE

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file minority views on the Pullman surcharge bill, which was reported by the Com-

mittee on Interstate and Foreign Commerce, and that such minority views be printed along with the report.

The SPEAKER. Is there objection?

There was no objection.

BRIDGES ACROSS THE COLUMBIA RIVER

Mr. JOHNSON of Washington. Mr. Speaker, I call up the bill (S. 4045) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., a similar House bill having been reported by the committee.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to W. D. Comer and Wesley Vandercook, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near the city of Longview, in the county of Cowlitz, in the State of Washington, and at or near the city of Rainier, in the county of Columbia, in the State of Oregon, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The States of Washington and Oregon, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all right, title, and interest in said bridge and the approaches thereto constructed under the authority of this act for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or States or political subdivision or subdivisions may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 11856) was laid on the table.

Mr. HILL of Washington. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ANNIVERSARY OF BIRTH OF WASHINGTON

Mr. KELLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from Massachusetts [Mr. DALLINGER] and an address delivered by the gentleman from Virginia [Mr. MOORE] at the celebration of the birthday anniversary of George Washington, at Pittsburgh, Pa., Saturday night.

The SPEAKER. Is there objection?

There was no objection.

The speeches on that occasion were as follows:

SPEECH OF HON. FREDERICK W. DALLINGER, REPRESENTATIVE FROM THE EIGHTH MASSACHUSETTS DISTRICT, BEFORE THE PENNSYLVANIA STATE SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION AT PITTSBURGH, PA., ON FEBRUARY 21, 1925

Mr. Toastmaster, members of the Pennsylvania Society of the Sons of the American Revolution, ladies and gentlemen, we are met here on the eve of the one hundred and ninety-third anniversary of the birth of a great general, a great statesman, and a great man. We gather to pay our tribute of respect and veneration to the memory of George Washington, the inspired builder of a great Nation, who, because of what he did and what he was is justly entitled to the affectionate title of "Father of his Country."

I must confess that it is with a feeling of awe and reverence akin to that with which I read the lives of the inspired prophets and leaders portrayed in the sacred Scriptures that I approach the subject assigned to me this evening. For as Walter Savage Landor has well said:

"No man ever excelled George Washington. No exemplar has been recommended to our gratitude, love, and admiration, by the most impartial historian or the most critical biographer, in whom so many and so great virtues, public and private, were united."

And that great American, Abraham Lincoln, when, in 1842, he was called upon as the Congressman from the district to deliver an address at Springfield, Ill., on the one hundred and tenth anniversary of the birthday of Washington, said of him:

"On that name a eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name and in its naked, deathless splendor leave it shining on."

Nevertheless, in the brief time allotted to me, I shall attempt, however imperfectly, to emphasize certain phases in the life and character of this remarkable man.

UNCONSCIOUS PREPARATION FOR HIS WORK

In the first place, George Washington was unconsciously prepared for his life work of nation builder. Instead of seeking a commission in the British military or naval service and pursuing a life of luxury and ease, he chose to learn to be a surveyor and to endure the hardships of the western wilderness. Unlike most of his associates in the work of framing the Constitution, he lacked the advantages of a college education, but he more than made up for it by hard work and by a practical experience which fitted him both physically and mentally for the great work which he was to accomplish. Again, Washington's experience with British and Colonial troops, on the frontier during the French and Indian wars proved to be of inestimable value in the revolutionary struggle which was to come. Moreover, the habits of thrift, industry, and methodical attention to details acquired by him at an early age, served him in good stead when in later years there devolved upon him as our first President, the great work of organizing the new government under the Constitution.

In connection with this subject, it is amusing to note that H. G. Wells, in his Outline of History says that Washington was a "notoriously indolent man," whereas no statement could be further from the truth. There was never a more industrious, hard-working man than George Washington, from his young manhood down to the very moment of his death, and his life in this regard affords a much-needed example to the youth of to-day.

And so in the fullness of time, when at Concord Bridge the "embattled farmers fired the shot heard round the world" and at Bunker Hill the untrained yeomanry of New England had demonstrated that they could meet the British regulars on equal terms, the American colonists turned to George Washington as the only man possessing the necessary qualities to be Commander in Chief of the Continental Army. He took formal command of this army at Cambridge on July 3, 1775, and what an army it was. John Trumbull in his Reminiscences said of it—

"The entire army, if it deserved the name, was but an assemblage of brave, enthusiastic, undisciplined country lads; the officers quite as ignorant of military life as the troops, excepting a few elderly men who had seen some irregular service among the provincials under Lord Amherst."

WASHINGTON THE SOLDIER

To train and discipline these raw troops and to make of them a real effective fighting force was a colossal task, but Washington went about it, as he did everything he undertook, with patient skill and sublime faith. From Cambridge to Yorktown, in victory and in defeat, that skill continued to display itself and that faith never wavered until at last American independence was achieved. When we consider what he had to do with; the odds he had to meet, and the difficulties and discouragements which he had to encounter, the impartial reader of history must inevitably come to the conclusion that George Washington was one of the greatest military commanders of all time. Frederick the Great was a great general and he said that Washington's Trenton campaign was the most brilliant campaign of the century. But George Washington was more than a great general. As Henry Cabot Lodge has well said:

"To fight successful battles is the test of a good general, but to hold together a suffering army, through years of unexampled privations, to meet endless failure of details, and then to fight battles and plan campaigns shows a leader who was far more than a good general. Such multiplied trials and difficulties are overcome only by a great soldier, who with small means achieves large results, and by a great man, who, by force of will and character, can establish with all who follow him a power which no miseries can conquer and no suffering diminish."

WASHINGTON THE STATESMAN

And this same inspiring leadership continued after independence was won. It was Washington who perceived more clearly than most of his contemporaries the necessity of a strong central government to bind together the 13 States into one nation capable of maintaining its independence against foreign aggression and of developing its national resources. It was largely through his influence that the Federal convention of 1787 was held, and by common consent he was chosen its presiding officer. As president of the convention he held together the discordant elements among the delegates, and his influence was largely instrumental in securing the ratification of the completed Constitution. Again by common consent he was twice chosen President of the United States and upon him fell the stupendous task of organizing our National Government under the Constitution. As President he displayed the same sound judgment in the choice of his Cabinet and other executive officers as he had done in the choice of his subordinate officers during the Revolution. And out of the bankruptcy and chaos of the government of the confederation the National

Government was established upon a sound financial basis, and the country began to move forward and to prosper under the best form of government the world has ever known. With wonderful wisdom and foresight he steered the new Republic clear of European entanglements and established a foreign policy which enabled this country to work out its own salvation free from the quarrels and hatreds of Europe.

THE FAREWELL ADDRESS

And so, first in war, first in peace, and always first in the hearts of his countrymen, this great soldier and statesman, after refusing a third term as President, delivered his Farewell Address to the people whom he had so nobly led and served, and became a private citizen once more. In that wonderful address, which every American citizen should read at least once a year, he said in substance:

Be united. Be Americans. Let there be no sectionalism, no North, no South, no East, no West. You are all dependent one upon another. Beware of insidious attacks upon the Constitution, which is the great bulwark of your liberties. Beware of the evil effects of partisan politics. Keep the departments of government separate. Promote education. Preserve the public credit. Avoid public debt. Observe justice and good faith toward all nations. Have neither passionate hatred nor passionate attachment for any, and be politically independent of all.

Once again, at the time of the threatened war with France in 1798, Washington responded to his country's call and accepted the supreme command of the military forces of the country, but fortunately the war clouds blew over, and his services were not required. And in the following year, at the age of 67, George Washington, the nation builder, brave and courageous to the end, like John Bunyan's "Vallant for Truth," "passed over, and all the trumpets sounded for him on the other side."

Such, in the barest outline, is the story of the life and public service of the "Father of his Country." Let us now briefly consider two phases of Washington's character, and endeavor, if we can, to ascertain the secret of his power.

THE CHARACTER OF WASHINGTON

Washington, the builder of the Nation, has been commonly depicted as an aristocrat, as contrasted with Lincoln, its preserver, who personified the essence of democracy. As a matter of fact, so far as the matter of family goes, recent historical research has proved that the English progenitors of Lincoln were fully as high in the social scale as those of Washington. Moreover, it is true that Washington was a Virginia slaveholder, but so was Jefferson, the leader of the Democratic Party of that time, and nobody ever accused Jefferson of being an aristocrat. While Jefferson was being put through college by his wealthy parents, Washington was experiencing the hardships of the western wilderness and forming friendships will all sorts and conditions of men.

It is also true that Washington was of majestic mien, and that he frequently inspired awe in the minds of those with whom he came in contact. It is related that the wife of John Adams, when she first saw him when he arrived in Cambridge to take command of the American Army, remarked that she was reminded of a paraphrase of the English poet Dryden's lines in Don Sebastian:

"Mark his majestic fabric! He's a temple
Sacred by birth, and built by hands divine,
His soul's the Deity that lodges there,
Nor is the pile unworthy of the God."

Washington also had a fitting sense of the dignity which belonged to the offices of Commander in Chief of the Army and of President of the United States. As a man, however, he was a real democrat in the true sense of the word, and I wish to cite two instances to prove the truth of this assertion.

My wife's great grandfather, as a mere boy, was a private in the American Army at Cambridge. One evening there was held in a large tent a Masonic meeting, and, with a boy's curiosity, my wife's ancestor, crawling on the ground, peeped under the flaps of the tent to observe the proceedings. To his amazement he saw a private in the Revolutionary Army sitting in the seat of honor and presiding over the lodge as worshipful master while the illustrious commander in chief, General Washington, was humbly sitting with the brethren. The sight made such a profound impression upon his youthful mind that he not only became in later years a devoted friend and supporter of General Washington, but he joined the Masonic fraternity and rose to be one of its chief officers.

Again, although Washington, like Jefferson, belonged to the slaveholding aristocracy of Virginia, he chose for his two most intimate friends and advisers Henry Knox, a Boston bookseller, and Alexander Hamilton, a penniless young adventurer from the West Indies, without fortune and without recognized family. No better proof could be afforded of the real democracy of George Washington and the utter absence in him of the least bit of snobbishness. Throughout his life it

can be truly said of him that he regarded no man because of his worldly wealth or outward appearance, but chose his friends solely because of their ability and character.

But not only was Washington a true democrat, he was also a thoroughly good man in every sense of the word. Napoleon possessed the same democratic spirit and the same unerring judgment in choosing marshals from the ranks of his army and his civilian chiefs often from the humbler walks of life; but Napoleon was thoroughly selfish in his purposes and aims. On the other hand, Washington was the embodiment not only of personal integrity and high character but of the most unselfish devotion to the cause of liberty and of the loftiest patriotism.

The mere statement, however, that George Washington was a man of great ability and of lofty character can not by itself explain the miracle of the achievement of American independence. For it was a miracle, and can only be explained on the theory that a great leader was raised up by Divine Providence to meet a great crisis—a leader who believed and trusted in God and received strength from on high, with which he inspired his followers and made possible what to the finite mind seemed to be impossible of accomplishment.

WASHINGTON'S RELIGION

For never let it be forgotten in this materialistic age, when it is fashionable to scoff at spiritual things, that beyond and above everything else George Washington, like Abraham Lincoln, was a deeply religious man. He was throughout his life a faithful communicant and vestryman of the Episcopal Church—the church of his fathers—and his faith in an overruling Providence and in the efficacy and power of prayer was simple and unquestioning. A few extracts from his published writings will suffice to demonstrate the truth of this assertion.

Upon tendering his resignation as commander in chief of the Army, in the presence of the Congress of the Confederation in the old statehouse at Annapolis, Md., he said:

"Happy in the confirmation of our Independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable Nation, I resign with satisfaction the appointment I accepted with diffidence—a diffidence in my abilities to accomplish so arduous a task, which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven. The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence and the assistance I have received from my countrymen increases with every review of the momentous contest."

Then after a word of gratitude to the Army and to his staff, he concluded as follows:

"I consider it an indispensable duty to close this last solemn act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to His holy keeping."

Six years later, in his first inaugural address as President of the United States, he again expressed his faith and trust in an overruling Providence which had hitherto guided him as the leader of his people:

"It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, and those of our fellow citizens at large not less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."

And finally, in his famous Farewell Address to his countrymen, delivered on September 17, 1796, near the close of his second term as President of the United States, he uttered these memorable words that are well worth the serious thought and attention of the patriotic men and women of this day and generation:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of re-

religious obligation desert the oaths which are the instruments of investigation in the courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of the religious principle."

WASHINGTON THE INSPIRED LEADER

Years ago I had a friend who was an agnostic and who was a great admirer of Abraham Lincoln, but he told me that he never could understand how such a great man as Lincoln could be so foolish and simple-minded as to believe in the efficacy of prayer. I answered him by saying that in the case of Lincoln, as in the case of Washington, it was that very belief that was the source of the power that enabled both these great men to accomplish their great work and to win the lasting admiration and gratitude of mankind.

To me one of the most thrilling and impressive passages in the Old Testament is the account in the sixth chapter of the second book of Kings of Elisha and his young servant on the mountain when they were surrounded by the hosts of the King of Syria who were seeking to destroy the prophet because of his courageous crusade against the wickedness of the times. To the young man escape appeared to be impossible and you will remember that Elisha prayed that the eyes of the young man might be opened so that he might see what the prophet with his sublime faith perceived. And God answered the prayer and the young man looked and behold "the mountain was full of horses and chariots of fire round about Elisha."

My friends, to me as a student of history, there comes to my mind that other scene on the soil of Pennsylvania many centuries later, on Christmas Eve in the memorable year 1776. The disastrous Battle of Long Island had been fought, and because of the failure of his subordinates to carry out his admirably conceived plan of campaign, Washington's army had narrowly escaped annihilation. Then disaster followed disaster, until the American Army which had numbered over 15,000 troops at the time of the evacuation of Boston had steadily dwindled until only 2,400 scantily clothed, half fed, and poorly equipped men remained. The British Army occupied New York, where they were being royally entertained by the inhabitants of wealth and social station, who there, as elsewhere in the thirteen colonies, were to a very large extent openly or secretly friendly to the royalist cause. Practically every one predicted that the capture or destruction of Washington's army was only a question of a short time, and the achievement of American independence seemed to be absolutely hopeless.

It would indeed have been hopeless if it hadn't been for the prayers and faith of one man, George Washington, who like Elisha of old, saw the vision and made his officers and men see it also. When on that Christmas Eve he planned the crossing of the Delaware River, filled with threatening ice, in the face of a terrific blizzard, all his officers said that it was impossible. The difficulties and hardships of that hour are graphically shown in the movie film based on Paul Leicester Ford's historical novel *Janice Meredith*, which every American ought to see. Washington with his sublime faith alone insisted upon the crossing being made, with the result that the American cause was saved. I hope that some day a great artist will paint that scene, showing Washington, the inspired leader of an apparently hopeless cause, standing in his little boat amid the sleet and the ice of the Delaware and surrounded by the invisible host of Heaven fighting by his side in answer to his prayers.

Again, during that terrible winter at Valley Forge, also on the soil of the historic State of Pennsylvania, with the British troops in possession of both New York and Philadelphia, and the American cause at its lowest ebb, it was Washington who alone kept that little band of starving and freezing patriots together and prevented the faint spark of freedom from being entirely extinguished. If Washington had lost his faith in the Supreme Being, the cause of the Colonists would have been lost, and the events from 1775 to 1777 would have gone down in history like the later Sepoy mutiny in India, as the Great Colonial Rebellion of 1775. But fortunately Washington's faith never wavered, but on the contrary grew stronger and stronger until it actually removed mountains, and the skeleton of the American Army was kept intact. And so, on through all the trials and tribulations of those perilous years, this great leader and prophet of his people, sustained by a higher power than his own, led the way to victory over the forces of a great empire and to the establishment upon a sound constitutional basis of the great Republic to which we belong and of which we are so proud.

CONCLUSION

My friends, I know of no more fitting way of bringing this imperfect tribute to a great man to a close than by reading two estimates of the great Virginian by two Massachusetts statesmen—one in prose and the other in verse. The first is from the late Senator Henry Cabot Lodge's preface to the last edition of his *Life of Washington*:

"There are but few very great men in history—and Washington was one of the greatest—whose declaration of principles and whose thoughts upon the policies of government have had such a continuous and unbroken influence as his have had upon a great people and through them upon the world. The criticism, the jeers, the patronizing and pitying sneer, will all alike pass away into silence and be forgotten just as the coarse attacks which were made upon him in his lifetime have faded from the memory of men; but his fame, his character, his sagacity, and his ardent patriotism will remain and be familiar to all Americans who love their country. In the days of storm and stress, when the angry waves beat fiercely at the foot of the lofty tower which warns the mariner from the reefs that threaten wreck and destruction, far above the angry seas and in the midst of the roaring winds, the light which guides those who go down in ships to the haven where they would be, shines out luminous through the darkness. To disregard that steady light would mean disaster and destruction to all to whom it points out the path of safety. So it is with the wisdom of Washington, which comes to us across the century as clear and shining as it was in the days when his love for his country and his passion for America gave forth their last message to generations yet unborn."

The other is by Hon. Robert C. Winthrop, the great Whig Speaker of the House of Representatives:

I

"Illustrious names in each successive age,
Vying in valor, virtue, wisdom, power,
One with another on the historic page,
Have won the homage of that little hour
Which they adorned, and will be cherished still
By grateful hearts till time shall be no more.
But peerless and supreme, thy name, O Washington, shall fill
A place apart, where others may not soar.
In 'the clear, upper sky,' beyond all reach
Or rivalry; where, not for us alone
But for all realms and races, it shall teach
The grandest lesson history hath known,
Of conscience, truth, religious faith, and awe,
Leading the march of liberty and law.

II

"Yes, century after century may roll,
And bury in oblivion many a name
Which now inspires the lip and stirs the soul,
Giving promise of an endless fame;
Yet still the struggling nations from afar
And all in every age who would be free
Shall hail thy great example as the star
To guide and cheer their way to liberty—
A star which ever marks, with ray serene,
The path of one, who from his earliest youth,
Renounced all selfish aims; whose hands were clean,
Whose heart was pure, who never swerved from truth;
To serve his country and his God content,
Leaving our Union as his monument."

ADDRESS BY REPRESENTATIVE R. WALTON MOORE, OF VIRGINIA, AT THE ANNUAL WASHINGTON BANQUET OF THE SONS OF THE AMERICAN REVOLUTION ON THE EVENING OF SATURDAY, FEBRUARY 21, 1925, AT PITTSBURGH, PA.

Except for a few important events, I would now be addressing this distinguished audience as fellow Virginians and perhaps claiming Representative KELLY as one of my Democratic colleagues of the solid South. All of us who know him realize what a valuable addition he would be to a party which is seeking recruits.

One of those events was the settlement of the old boundary dispute between Pennsylvania and Virginia. You, of course, recall that controversy—how Virginia claimed an extensive area west of the mountains, including most of the present counties of Allegheny, Westmoreland, and Washington; how the claim was resisted by Pennsylvania; and how the two Colonies, and for a short time the two States, each maintained its own courts and officials, and the favorite pastime in this neighborhood was the arrest of the officials of the one jurisdiction by the officials of the other. This part of Pennsylvania, according to the Virginia claim, was West Augusta County, and I believe that at least one Pennsylvania official, who was captured by the Virginians while exercising contested authority here, was taken for incarceration and trial to the city of Staunton, which was then, as now, the capital of our Augusta County. Not until some years later was the dispute settled by negotiation. But meanwhile efforts in that direction had been made. In 1774 Pennsylvania sent a commission to Williamsburg to confer on the subject with Dunmore, the royal governor. The commission reached there on the 19th of May and the conference continued until May 26, when it was abruptly broken off by Dunmore. That day he was in a bad mood. The House of Burgesses, one of whose

members was Washington, had passed resolutions in defiance of the Crown. It was immediately dissolved by the governor. Its members adjourned to the Raleigh Tavern, and in the famous Apollo room of that resort adopted a recommendation that an annual congress of all the Colonies be convened to deliberate on those general measures which the united interests of America might from time to time require. The Congress soon met, and its sessions were held at Philadelphia, which became one of the notably pivotal places of the Revolutionary period.

The boundary question was laid aside. There was no time to think of such questions. The stage was being set for the on-coming struggle, in which Pennsylvania and Virginia were to participate so gloriously under the leadership of the man whose memory is now universally honored. After awhile, however, the territorial difficulties were adjusted, and it is of interest that the conciliatory attitude then taken by Virginia was largely due to George Mason, of Gunston Hall, too little remembered as the author of the first written Constitution known to the world, which included the Virginia Bill of Rights. He was the near neighbor of Washington, and as warm friends they were linked together in numberless important transactions which have given form and color to our history.

Thus I am not now speaking in Virginia but in Pennsylvania, but even so, in that part of your State which has given the deathless name of Washington to one of its counties, and to another the name of the Westmoreland County, in the northern neck of Virginia, where he was born. I am speaking in what was the extreme frontier region, where his early adventures and exploits were the hard training ground of his wonderful future.

One of his visits to the site of your great city was in 1770. Throughout his life he kept a careful diary, in which he noted that on that visit he found about 20 houses ranged along the Monongahela shore and inhabited by Indian traders. A later chronicle says that by 1775 the town had trebled in size; that the traders were nearly all Pennsylvanians, but most of the other people Virginians; that many of the inhabitants (and at this point no line is drawn between Pennsylvanians and Virginians) were fugitives from justice and "hard drinkers," and the cause of despair to the missionaries who tried to reform them. In that era only hard drinking was reprobated. To show Washington's consideration of those of moderate appetite I turn aside for a moment to a very entertaining book—the journal in which Maclay, who, along with Robert Morris, was one of the first Senators from this State, records his experiences during the opening of the Government. By the way, it is not improbable that had Maclay and Morris ever been able to agree Philadelphia, and not Washington, would now be the Capital of the Republic. Morris was for Philadelphia and Maclay for Harrisburg. Maclay describes the dinners which he attended at the President's invitation. Of one of them he says, "the President is a very cold and formal man, but I must declare that he treated me with great attention. I was the first person with whom he drank a glass of wine." Of another he says, "He soon asked me to drink a glass of wine with him. This was readily accorded to, but what was remarkable, I did not observe him drink with any other person during the dinner." The President was never intimate with Senator Maclay; but, of course, he knew that he was from Pennsylvania.

Speaking here, there can not be overlooked the close identification of Washington with Pennsylvania and Pennsylvanians, not only in his colonial career, when he wore the uniform of a British officer, but after the Revolution began and after the foundations of the Government were securely laid.

For example, we can not forget the unbroken ties of friendship which bound him to your great statesman, Franklin. One of them was called a philosopher, a term never applied to the other, but neither was a philosopher in respect to politics or government, as to which their views were so similar, for neither was a philosopher in the old sense of rigidly accepting and insisting on some inflexible theory. Both, like Lord Bacon, were philosophers in the sense that they rejected mere hypothetical assumptions and rested their conduct upon the facts of observation as opposed to dogmatic rule or speculation. They deeply believed in community freedom and individual liberty, and in carrying out this conception they availed themselves of the best means that the hour presented. They were opportunists in the highest and noblest meaning of that much misused word. They came of English stock, and their ancestors figured in the English epoch when in the sunrise of Bacon's conception the old darkness and mists were vanishing.

Incidentally it may be noted that they had the same general background of lineage, a fact which attracts the attention of the traveler who searches in the mother country for American origins. In Northamptonshire he finds in the little village of Brington, east of the city of Northampton, the unpretentious home of Lawrence Washington, the remote ancestor of the great American, who lived there in a simple way at the time when Shakespeare was writing his plays in the adjoining county of Warwick. In the nearby church, which dates back to the time of the crusades, is buried that Lawrence Washington, and on the marble above his tomb is carved the Washington coat of arms, bearing stars and stripes upon its shield. The traveler finds west of the city of Northampton the village of Ecton, where lived for genera-

tions the ancestors of Franklin. The two villages are within 12 miles of each other, and accordingly from the same far-off locality sprang the two great forces which united here in the successful effort for American independence.

Washington and also Franklin possessed the valuable aptitude which some one—Emerson, I think—has ascribed to men of the very first rank of intellect and character, the capacity to engage willingly in the most unostentatious as well as in the largest transactions. They were guided by that simple precept of Milton, a trifle paraphrased, "To know and do that which before us lies in daily life is the prime wisdom." They were always ready for any worthwhile service to their fellow men of any character.

The traditions and records of the Virginia county where Washington lived and died evidence his participation in the comparatively small affairs that immediately concerned himself and his neighbors. He made a practice of attending county meetings. He presided at the unforgotten meeting of the freeholders of Fairfax in 1774 which passed the Fairfax resolves, setting forth the grievances of the colony, expressing sympathy for the people of Boston and pledging them material aid in their distress. The spirit, and some of the language, of that document, which was drafted by Mason and approved by Washington, were embodied in the Virginia Bill of Rights and in the Declaration of Independence.

Washington was not a lawyer, but along with other leading citizens of his county, he was judge of the county court. They were called gentlemen justices, and exercised a varied jurisdiction. They administered the affairs of the county, and tried civil actions. They tried indictments against persons charged with not attending church for two months, for "drunkenness and profane swearing," for being idle vagrants, and committing other misdemeanors which offended against morals and manners of the time. One of the annual duties of the court was to fix the rates to be charged by the hotels—which were then called ordinaries. Liquors, of which there was a long list, and food, a shorter list, were included, and the final item always was "for a night's lodging, with clean sheets, sixpence, otherwise nothing." The minute books in which are recorded the proceedings of the court while Washington was a member, are kept in the same building where are preserved his last will and testament and that of his wife. He was not only one of the judges of the county, but he served his county in the Colonial Legislature. Likewise, he was an influential churchman. It seems that whenever a new church was erected he was always either the chairman or the most active member of the building committee, looking after all the details as if his own house were under construction. In two of the churches he was a vestryman. He and his associate, Mason, who lived within a few miles of each other, appear to have had but two serious disagreements during their lifetime of intimacy. One was caused by Mason's efforts to defeat the ratification of the Constitution; the other arose over the rebuilding of the old Pohick church, which was attended by the members of both families. Mason advocated the old site. Washington was for a site somewhat nearer Mount Vernon. There was a warm controversy, but when the time came for the vestry to act, Washington, exemplifying his characteristic habit, was on hand with a map outlining the entire situation, and making clear that the site he had chosen would be more accessible than the other to a large percentage of the churchgoers, and his plan was accepted, over the remonstrance of his friend.

I wish that those of you who have not done so might visit that part of Virginia in which is the last resting place of the master builder of the Republic. It is saturated with memories of Washington. There is his beloved Mount Vernon, from which he was so often regretfully detached, with its beautiful view of the broad Potomac, whose waters were unceasing music to his ears. Near-by, toward the picturesque Blue Ridge Mountains are the homes of many of those who united their patriotic labors with his—homes still remaining which once echoed to the voices of Madison, Jefferson, Monroe, and Marshall. And not far off is the Tidewater country with its Jamestown, Williamsburg, and Yorktown, whose historic interest is like the glory of an unsetting sun.

It would be a long story to tell how the steadfast resolution and high courage of Washington not only influenced, but largely determined, the course of events from the time prior to the Revolution, when independence was not being seriously thought of, until America became independent of the parent country. He was at the outset as unflinching in his opposition to British injustice, as later he was unflinching in his opposition to the effort of Great Britain to retain the Colonies. He was a member of the House of Burgesses of Virginia in 1765, and followed Patrick Henry when that unrivaled orator warned the King that he might suffer the fate of Caesar and Charles the First. In the time that intervened before he became commander in chief of the forces that battled for American sovereignty, he stood with those who were prepared for every sacrifice and every danger in behalf of the cause which not only they, but their friends in England, like Burke, believed to be fully justified. He calmly faced the fact that there were not only foes in front of him, but all about him. The

population of the 13 States was then about 6,000,000. After the Revolution John Adams estimated that at least 3,000,000 of them were Royalists. As to the correctness of this estimate he invited the opinion of Chief Justice McKean of Pennsylvania, who was one of the signers of the Declaration of Independence, and the latter's estimate accorded with that of Adams, except that he expressed the view that more than one-half of the influential people were on the Royalist side.

I have touched upon his identification with the statesmen of Pennsylvania. He was identified with the State throughout the Revolution. Here he faced crisis in the painful struggle which demanded all of his ability and all of his patience. On this soil he endured—

"Many a grim and haggard day,
Many a night of starless skies."

On this soil and in New Jersey, he thought out the campaign which resulted in the defeat of Burgoyne at Saratoga, and more than anything else encouraged French intervention. A few days before the British colors were lowered at Saratoga, he had fought the battle of Germantown, on the soil of Pennsylvania. On this soil, also, he suffered the terrible ordeal of the winter at Valley Forge, and maintained the existence and morale of a small army under as trying circumstances as any military commander in history has encountered. No monument has been erected, no monument can ever be erected which will sufficiently perpetuate the record of all that he was and all that he did during those months when he employed every ounce of his being to prevent the dissolution of the cause which had been entrusted to his keeping.

I might go much further in showing how Pennsylvania was the scene of his Revolutionary career from the time he left his Mount Vernon home to take command of the Army until he revisited it for a short time on the march to Yorktown. It would be a shining recital at once of the glory of your State and the glory of the man with whom no other in my judgment is comparable. The shaft that towers above the National Capitol has reached the limit of its height, but there is no limit to the increasing appreciation of the world for the man whom it commemorates. Listen, for example, to the words of a French author who within a few months has written a book entitled "Reflections on the Napoleonic Legend." He enumerates the characteristics of Napoleon—"militarism, autocratic efficiency, parvenue display, self-advertisement, insatiable ambition, the gambling habit," and then of Washington, he says, "He was the perfect contrast of the great Corsican—a soldier, but eager to sheathe the sword and restore peace; an efficient leader, but a lover of liberty; a true Democrat in the simplicity of his estate and of his life, because he was a true gentleman; playing for high but desperate stakes, and willing to quit the game when the stake was won; wholehearted in service, never shirking responsibility, but glad to drop the burden when he could conscientiously do so; filled with the higher ambition of leaving an untarnished, rather than a dazzling name." Such is the consensus of opinion that to Washington the lines of Shelley may fittingly be applied:

"The one remains,
The many change and pass."

Having proved himself a great and victorious soldier, he proved himself a great and victorious statesman, but for whom the more perfect union which we now enjoy may not have been accomplished. The Revolution brought disorganization and unrest. No one was more apprehensive of the disaster which might overtake the experiment of free government on this continent than Washington himself, who, having won liberty with his sword, exerted every effort to make it secure by his work as a statesman. Holding to the views of Wilson, of Pennsylvania, and others, he labored to impress on his friends that the illiberality, jealousy, and local feeling of the States were likely to sink the new Nation in the eyes of Europe in contempt and defeat its domestic advancement. Save for his prestige and his unwearied efforts to preserve the fruits of the Revolution by establishing a better Federal system, there might have been the most dismal failure, and in any event our Constitution would not have come into operation; and therefore his is the foremost name to be remembered in that connection.

Conferring at Mount Vernon with those who shared his fears and longings, Washington offered the suggestion which led to a preliminary meeting. Responding to that suggestion, the Virginia Legislature passed a resolution designating commissioners to meet commissioners that might be appointed by the other States for the purpose of constructing a comprehensive and harmonious method of regulating commercial intercourse among the States, so as to avoid the rivalries and collisions which were a continual menace to the trade and prosperity of all. Very soon the Virginia commissioners conferred at Annapolis with such commissioners as Pennsylvania and other States had appointed. The conference was under the direction of Hamilton and Madison, who were in the closest touch with Washington, and the resolve of all was to omit nothing which might further the establishment of a capable and efficient government. Then the light began to break, and all of the States but one followed the lead of Virginia in recommending a convention. As Washington had, on the motion of John

Adams, been unanimously chosen Commander in Chief by the Continental Congress, the convention which met in Philadelphia, on the motion of a Pennsylvanian, unanimously chose him as its President, and so we think of Pennsylvania and its chief city as the birthplace of the Constitution.

It belongs to the fame of Washington that while not a man of broad learning and not a student of the theories of government, as were many of his contemporaries, he possessed in the highest degree all of the qualities that enable men to form safe judgments, all of the qualities that enable them to reconcile and compromise differences of opinion; and thus his influence brought the States together in framing a Constitution, not entirely satisfactory to him, and not entirely satisfactory to anyone, but without precedent or parallel, and destined to survive all of the controversies and tempests of more than a hundred years.

The Constitution devised by those who worked and wrought in the summer of 1787 in Philadelphia was not the final act. It had to be ratified. It would not have been ratified by Virginia without the exertions of Washington. It would probably not have been ratified by New York but for his exertions, where his friend Hamilton, who was not enamored of the instrument, became the great advocate of its approval. Without ratification by the two States mentioned, it would have failed of adoption. Failing of adoption, the world would not have witnessed the soldier-statesman as President for eight years deliberately, wisely, and without partisanship developing the functions and activities of the new Government, which was to become the Government of the greatest Republic of all time.

All forms of genius that can indicate the distinction of Washington have united in acclaiming him. Men of every race and land—statesmen, orators, historians, essayists, novelists, sculptors, and painters—have exalted his career and achievements.

I thank you for the invitation that has brought me here this evening and for the cordiality of your welcome. Knowing that what I have said is very inadequate, I wish to leave with you the striking words of another in praise of the man the anniversary of whose birth you celebrate. They are contained in the concluding paragraphs of Lodge's brilliant biography of Washington, in the American Statesmen series. Says the author:

"As I bring these volumes to a close, I am conscious that they speak, so far as they speak at all, in a tone of almost unbroken praise of the great man they attempt to portray. If this be so, it is because I could come to no other conclusions. For many years I have studied minutely the career of Washington, and with every step the greatness of the man has grown upon me, for analysis has failed to discover the act of his life which, under the conditions of the time, I could unhesitatingly pronounce to have been an error. Such has been my experience, and although my deductions may be wrong they at least have been carefully and slowly made. I see in Washington a great soldier who fought a trying war to a successful end, impossible without him; a great statesman, who did more than all other men to lay the foundation of a Republic which has endured in prosperity for more than a century. I find in him a marvelous judgment, which was never at fault; a penetrating vision, which beheld the future of America when it was dim to other eyes; a great intellectual force, a will of iron, an unequalled grasp of facts, and an unparalleled strength of patriotic purpose. I see in him, too, a pure and high-minded gentleman of dauntless courage and stainless honor, simple and stately of manner, kind and generous of heart. Such he was in truth."

LINCOLN'S LIVING MEMORIAL

Mr. REECE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Dr. John Wesley Hill at a celebration of Lincoln's birthday.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE. Mr. Speaker, at the birthday celebration of Abraham Lincoln, held under the auspices of the trustees of Lincoln Memorial University, at the Willard Hotel, Washington, D. C., February 12, 1925, which was attended by members of the President's Cabinet, Senators, Congressmen, and prominent business men, Dr. John Wesley Hill, chancellor of the university, delivered an address on Lincoln Memorial University—a Living Memorial to the great Emancipator.

Lincoln himself came from the people among whom this memorial stands. Under leave granted me I wish to have Doctor Hill's address inserted in the RECORD that the people of America may know that in the midst of the many numbers of marble and bronze, reared to the memory of Lincoln one has been founded in the soul of the people from whom he came and which is to-day perpetuating the principles for which he stood. It is my good fortune to represent the dis-

trict in which this great institution is located, and I have been able to observe the splendid work which it is doing.

The address is as follows:

LINCOLN'S LIVING MEMORIAL

Lincoln Memorial University is the crystallized dream of Abraham Lincoln. It stands at Cumberland Gap, where the States of Tennessee, Kentucky, and Virginia intersect. It is Lincoln's living memorial, the educational hope of a vast population of upstanding, ambitious American mountaineers.

In the great prosperous and progressive North, educational institutions and agencies are multiplied into a veritable prodigality of opportunity, but in the isolation and solitude of the Appalachian fastnesses, where rail splitting and mule riding, candlelight, homespun, and log cabins survive the march of modern civilization, only a crude cabin school here and there dots the landscape, and the people sit in a gloom upon which the light of knowledge has but dimly dawned.

They are a wonderful people—shy, timid, taciturn, hospitable, and adventurous, full of intensity and high daring; the very stuff of which heroes are made.

We read the stories of John Fox and others, replete with the romance of the mountains, feudal battles, illicit distilling, the eccentricities, struggles, and heroisms of a grim, gaunt, mysterious folk; but beneath the romance and tragedy of it all there flows the purest American blood under our flag.

We have discovered the economic possibilities of the Appalachian region, harnessed its mountain torrents, uncovered its mineral wealth, felled its forests, and surveyed and appraised every acre of its soil. But in our development of its natural resources we have not taken stock of the 6,000,000 undiluted Americans in that country; we have not catalogued their spiritual, intellectual, and civic values. We have neglected a man power sufficient in its original endowment and possibilities to build and direct the destiny of an empire.

We have expended millions upon the Americanization of the foreign born, the uplift of the Sicilian, the Turk, the Greek, the Portuguese, the Pole, the Russian, the refugees from the despotisms of the Old World, and in our zeal for them we have forgotten the children of our own sky and soil.

We have substituted the melting pot for the log cabin. We have been so occupied with the millions pouring in upon us from the back yards of Europe that we have forgotten those of our own household—children of poverty; not the poverty of the Old World made despicable by centuries of submission to despotism, but the poverty of the New—in which the germ of manhood grows unrestrained by the demands of luxury and untainted by the poison of prodigality, the poverty through which Boone, Houston, Andrew Jackson, Farragut, Henry Clay, and Abraham Lincoln made their way. Back there, far back in the mountain fastnesses, there is a vast army of American youth dowered with the same possibilities.

John Hays Hammond, the great American engineer, has caught the vision of this possibility, and he is planning in the early spring to make a survey of that entire region with a view to putting Lincoln Memorial on such an industrial basis as shall afford self-support to the students and enlarged usefulness to the university.

Providence has held these mountaineers in reserve. They have functioned magnificently in every national crisis; at Kings Mountain during the Revolution; throughout the war of 1812 and the Civil War, when their loyalty alone held the "border States" under the flag of the Union; in the Spanish-American War and in the World War, in which they furnished the greatest hero of the allied armies—Sergeant York.

We need them right now to reinforce our patriotism, uphold our American ideals, and protect them from the marauding hosts bearing down upon us from the Old World. There is no time for delay. This army of 6,000,000 courageous mountaineers must be trained into efficient citizenship.

I once saw a cartoon representing a disheveled, begrimed tramp standing at the front door of a magnificent mansion in a great city, politely asking the lady of the house for the privilege of stepping into the hall and "throwing a fit." These Bolshevistic epileptics are pleading with Uncle Sam for the same privilege; and while, to our national humiliation and peril, we have in our midst a cowardly, simpering class of citizens who are ready to open our national gateway for the incoming of these "undesirables," thank God, in the country I am representing here, the descendants of the Jamestown Settlement, with the blood of Washington, Patrick Henry, "Light Horse Harry" Lee in their veins, are insisting that America shall never become the seeding ground for the noxious growth of Bolshevism and anarchy. They are ready, if necessary, to shed their blood without stint and to lay down their lives without complaint in order to preserve constitutional government.

Lincoln is their ideal, and they are following in his footsteps. His principles dominate the curriculum of Lincoln Memorial University. Every problem among its students is challenged with the question, "What would Lincoln say about it if he were here?" And somehow there is a feeling among these people that Lincoln is there, that his

spirit broods over the mountains, and that his voice may still be heard pleading for the deathless principles for which he lived and died—"government of the people, for the people, by the people," the preservation of constitutional authority, the integrity of the judiciary, the maintenance of law and order, the protection of human rights; life, liberty, property, and the pursuit of happiness; the application of the golden rule in the settlement of industrial disputes, a just and lasting peace among ourselves and with all nations, and the solution of every problem "with malice toward none and charity toward all," with "firmness in the right as God gives us to see the right."

There is nothing obsolete in these articles of faith; they are instinct with life; applicable to conditions to-day and adapted to all time; not iridescent baubles of political vacuity, but a body of faith which is the very corner stone of our national life.

And we are making an applied science of Lincoln's principles in this university bearing his name. There is no garbling of his words, no mutilation of his thoughts, no misapplication of his principles. It is little wonder, therefore, that the slogan of our university is "Lincolnize the mountains." That means the amelioration of social barbarities, the shattering of ignorance and superstition, religious intolerance, and bigotry, the breaking down of the mountain walls of provincialism, the softening of feudal asperities, the uprooting of deep-seated retaliations and hatreds, the dawn of a better day.

Such a work is fundamental and creative; it strikes to the roots of things, deals with essentials and results in mental and spiritual illumination and transformation. Among such a people ethical tinkering, psychological cobbling, and socialistic whitewashing will accomplish nothing. Only the spirit of Lincoln, his love of the truth, his sympathy for humanity, his devotion to liberty, his faith in God will bring about the renewal and uplift of these people who have detoured for 150 years and are now seeking the Lincoln highway of straight-forward, progressive Americanism.

Such a people are worth educating; they are worth it not only because of their capacity but of their ambition; yes, and because they are willing to pay for it in the sweat and blood of honest toil. They want a "chance," not charity. The World War shook the scales from their eyes and they are climbing toward higher levels, aspiring to outlook from the heights.

We have a thousand students, 80 per cent of whom are working their way toward the goal. They not only go through the university, but the university goes through them. Over 400 applicants are on the waiting list. Their cry for "a chance" is resounding through the mountains. Lincoln Memorial University must grant the appeal! We dare turn none away. In turning a poor boy away to-day we may lose a Lincoln to-morrow. We have a great historic background, a great natural environment—probably the most beautiful college campus in America—a loyal faculty and a president to the manner born, Dr. Robert O. Matthews, who, with his cultured wife, is making the supreme sacrifice—a man with rare organizing genius and unusual ability as speaker and teacher, loved and honored throughout the Appalachian region. Our embarrassment is in our wealth of opportunity. Our limitations are in our lack of equipment, scholarship fund, and buildings. We need a large dining room, a number of cottages for our professors, an auditorium to take the place of the one that was burned to the ground last fall, and greater endowment. Ours is the romance of American education. Our student body is permeated with the spirit of sacrifice. They are willing to pay for an education in work, to earn while they learn. One hundred dollars coupled with the self-help provided by the university will carry a student for a year. The story of the struggles of these ambitious young people is full of pathos and tragedy.

Some time ago a young man walked over a hundred miles to our doors and applied for admission. The dean was obliged to say, "Our dormitories are full and every bed is occupied. We have no place for you to sleep." To which this proud upreaching mountain lad replied, "I didn't come here for to sleep, but to git an education." It is sufficient to say that he remained, worked his way with pick, shovel, ax, and hoe, in any and every way, just as Lincoln toiled through the long days and studied into the small hours of the morning to prepare for the destiny awaiting him.

A mother came requesting that her daughter be given the opportunity to work her way through. On the dean's desk was a long list of boys and girls who were pleading for the same chance. But the scholarship fund, far too small to cover these multiplied calls, had been exhausted, and the dean was compelled to say, "What you really need is at least \$25 with which to start your girl."

That was more money than this mountain mother had ever seen at one time, but something must be done. There was her Mary waiting in the cabin home for the news. The mother could not go back and tell the girl that her dream of an education could never come true. She hesitated at the dean's desk for a moment and then with a peculiar light playing upon her face she hastened away. In a week she returned with the money, saying as she placed it upon the table before the dean, "Now, thank God, my girl will have a chance. Here's the money. I sold my cow."

It is said that the shortest sermon on record was preached from the text, "He that giveth to the poor lendeth to the Lord." The preacher waited for a moment after announcing the text and then crowding his discourse into an epigram, exclaimed: "If you are satisfied with the security, come down with the cash." And this is my sermon to-night. If you are satisfied with the security which education affords; the preservation of national ideals, the maintenance of constitutional authority, the upholding of the American flag, the advancement of civilization; if you are satisfied with the security—commensurate with the spread of intelligence, the growth of virtue, and the quickening of patriotism, the very qualities essential to the preservation of popular government; if you are satisfied with the security which is still guaranteed by the principles enunciated and advanced by Abraham Lincoln, in whose name we have christened Lincoln Memorial University, then help us in the great recuperative and redemptive task of uplifting the boys and girls of the mountains of the Southland.

Such an investment will yield a perpetual dividend; it will keep the soul of Lincoln alive among the people, to whom he always referred as "My people."

THE BUDGET SYSTEM

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an address made on the Budget system by the gentleman from Kentucky [Mr. THATCHER].

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under leave granted me to extend my remarks I herewith present same:

ADDRESS OF HON. MAURICE H. THATCHER, MEMBER OF CONGRESS FROM KENTUCKY, AT THE ANNUAL BANQUET OF THE OLD TOWNE MERCHANTS' AND MANUFACTURERS' ASSOCIATION AT THE HOTEL RENNETT, AT BALTIMORE, MD., ON THE EVENING OF FEBRUARY 19, 1925

Mr. Toastmaster and officers and members of the association: At the outset I wish to express my very great appreciation for the privilege and honor which are mine in having been invited to be with you and to address you this evening. I know that in this great metropolis you are performing a fine public service. Such organizations as yours, with a membership of progressive business men like yourselves, are always substantial agencies for the betterment and welfare of the communities in which they exist. Your organization, I am told, is more than 40 years old. In fact, you are celebrating, I believe, its forty-first anniversary. This most eloquently bespeaks its integrity and solid worth. I am, therefore, very happy, indeed, to be here on this occasion of good will and fellowship, and to talk to you upon a subject in which, as business men, you are deeply interested.

I know that I am in a historic city and in a historic State. Here in the earlier days was located a colony that rapidly grew in strength and influence, and made its full contribution to the solution of the grave problems of our colonial and revolutionary days. In the fateful sixties your State, like my own, Kentucky, was a so-called border State, and experienced all the horrors of the great civil strife which came near to destroying the foundations of the Republic. Your soil shook as did mine, beneath the tread of contending fratricidal hosts, and your sacred earth, as was mine, was stained with the blood of our country's best and bravest sons. Your State has always been a land of sentiment, and so has mine. Two of the most beautiful State songs which have ever been sung are "My Maryland" and "My Old Kentucky Home," and in the "Star-Spangled Banner" you have contributed a national air that shall thrill the hearts of Americans so long as the Republic may endure. There is every reason, my friends, why a Kentuckian should feel altogether at home in Baltimore.

You have here, indeed, a great seaport, and a great metropolis, and you are destined to advance to greater things. The spirit which enabled Baltimore, some years ago, to rise, Phoenixlike, from the ashes of ruin and despair, was, and is, a great and mighty spirit. Your work then was a miracle performed before our eyes. The people of my home city of Louisville, in common with their millions of fellow citizens scattered throughout the Nation, looked on with wonder and amazement at what you did then. Your courage, your hardihood, your sound judgment, your indomitable will and energy, earned all praise, yet were beyond all praise, and inspired the entire country. You wrought a mighty piece of magic. Out of your holocaust of ruin the great business district rose again more splendid, more enduring than before. I am told, also, that in all that destruction of property by fire you experienced hardly a business failure, so solidly were your business enterprises grounded, so fine was the spirit of co-operation and teamwork among your men of business. The record of your work in those tragic days has never been excelled in the world of business pursuits.

I am glad to be able to tell you this evening that a few days ago, in the House of Representatives at Washington, I supported and voted for the passage of a bill providing for the restoration of Fort

McHenry, near your city, the birthplace of that immortal national song of which I have just spoken, written by that patriotic and deeply inspired American, Francis Scott Key. The enactment of the bill is assured, and this historic spot will thus become an enduring national shrine. This measure was sponsored and pressed by your able and genial Member of Congress, my friend and colleague, Colonel HILL. On the day the bill was passed by the House his ability and popularity were such that he achieved the unique distinction of securing the passage of five special bills—the one providing for the restoration of Fort McHenry and four others, on the Unanimous Consent Calendar of the House. That is a batting average of about 100 per cent, and I don't know of any other Member of either House at the present session who has equaled it.

Now I must come directly to my subject and speak to you concerning the Federal Budget system. I shall not be able, for lack of sufficient time, to go into any great detail, but it shall be my purpose to draw the general outlines, and to indicate the general facts involved, so that those of you who may not already have the knowledge may grasp the essential features of the theory and operation of the system.

It is interesting to note that our own was one of the last great nations to adopt the budget system. For many years most of the important countries of the world have had budget systems operating on the same general lines as our own Federal Budget system. Also some of our States and cities have budget systems. Here is a list of foreign nations which were supposed to be operating under budget systems some years ago (1918), and practically all of which, I believe, are yet operating under that system: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Germany, Great Britain, Greece, Guatemala, Honduras, Hungary, Italy, Japan, Liberia, Luxemburg, Mexico, Montenegro, Netherlands, Newfoundland, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Rumania, Russia, Salvador, Serbia, Siam, Spain, Sweden, Switzerland, Union South Africa, Uruguay, and Venezuela.

The Old World countries are under such dire necessity that they must operate under the general principles involved in the budget system, or else be unable to operate at all. Such a system brings under general review and correlation by the executive branch of the government all the estimated requirements of national expenditure for the ensuing fiscal year. Thereupon the executive branch, through a duly designated head, makes a careful study of these estimates, and of estimated revenues accruing or available for such fiscal year, and modifies or amends the estimates of expenditures as the needs and circumstances may seem to require, and transmits to the legislative branch, with approval, the amended estimates. The legislative branch then gives consideration to these estimates, and after finally amending or modifying them, makes provision therefor by means of appropriations or other necessary legislative enactments. Accompanying the estimates thus submitted there are usually statements of expenditure in the various governmental activities for the current and previous fiscal year, and statements of receipts and revenues for the current and previous fiscal year, together with statements of estimated receipts and revenues for the ensuing fiscal year. The executive department also, at the same time, furnishes such other information and makes such recommendations to the legislative department as may seem necessary or desirable. The effort is thus made to balance receipts and expenditures, and to avoid deficits in current fiscal operations.

This, in general, is the method of the budget system. As to our own Budget system, I shall presently give you the more important details of its operation.

It is remarkable that not until 1921 was there provided for our National Government a Budget system. For more than 130 years our national housekeeping was conducted in the most slipshod manner imaginable. In the making of appropriations there were nine distinct committees functioning charged with the authority to frame and report appropriation bills. These nine committees were those of Agriculture, Post Office and Post Roads, Military Affairs, Naval Affairs, Indian Affairs, Foreign Affairs, Rivers and Harbors, Claims, and Appropriations. Naturally, with no correlation of appropriations and with no balancing of receipts and expenditures, each of these committees sought to secure the largest possible appropriations for their respective interests. The whole problem of Federal appropriations was handled in a nonscientific manner, and this meant governmental waste and confusion. This plan, or rather lack of plan, in the making of appropriations might be tolerated under pre-World War conditions, but after that war came and our Government and our taxpayers became superburdened with debt it became necessary to resort to heroic methods to keep from being crushed beneath the most staggering load we have ever had to bear. The time had come for scientific methods in our fiscal operations or the ship of state would soon be wrecked on the rocks of national bankruptcy.

On June 10, 1921, President Harding approved a bill passed by Congress entitled the "Budget and Accounting Act, 1921." The enactment of this law was one of the most noteworthy achievements of his

administration. In fact, its enactment was one of the most noteworthy achievements of our whole national history. The results flowing from its operation more than justify the strongest claims made for it when it became a law. A statement of its more important provisions will give you a general understanding of the act and of its operation. In the Treasury Department there is created the Bureau of the Budget. The term "Bureau" means Bureau of the Budget, and the term "Budget" means the annual data and recommendations made to Congress by the President, which I shall presently describe.

A Director of the Budget and assistant director are created by the act, together with all necessary officials and employees for the administration of the provisions of the act. The director and assistant director are appointed by the President, without the advice or consent of the Senate, and they serve at the will of the President. The Bureau of the Budget is the arm of the President in the Nation's fiscal affairs, and he speaks through the Budget.

The salary of the director is fixed at \$10,000 per year, and of the assistant director at \$7,500.

The President is required to transmit to Congress on the first day of each regular session the Budget, same to contain:

1. Estimates of the expenditures and appropriations necessary, in his judgment, for the support of the Government for the ensuing fiscal year, except that the estimates for the legislative branch and the Supreme Court of the United States shall be included by the President in the Budget without revision.

2. His estimates of receipts of the Government during the ensuing fiscal year under laws existing at the time the Budget is transmitted, and also under the revenue proposals, if any, contained in the Budget.

3. The expenditures and receipts of the Government during the last completed fiscal year.

4. Estimates of expenditures and receipts of the Government during the fiscal year in progress.

5. Amount of annual permanent or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress as of November 1 of such year.

6. Balanced statements of the condition of Treasury at close of the last completed fiscal year, the estimated condition of Treasury at end of the fiscal year in progress, and the estimated condition of Treasury at close of ensuing fiscal year if financial proposals contained in Budget are adopted.

7. All essential facts regarding the bonded and other indebtedness of the Government.

8. Also such financial statements and data as, in the President's opinion, are necessary or desirable in order to make known, in all practicable detail, the financial condition of the Government.

9. If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President shall include in the Budget recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

10. If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require.

In addition the President, from time to time, may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment are necessary on account of laws enacted after the transmission of the Budget, or are otherwise in the public interest; and whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation for specific legislation to take care of the extra expenditure involved, he shall thereupon make such recommendation.

Estimates for lump-sum appropriations contained in the Budget or supplemental and deficiency estimates shall be accompanied by statements showing in detail the manner of expenditure of such appropriations and of the corresponding appropriations for the current fiscal year and the last completed fiscal year.

No estimate or request for an appropriation, and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof, by any officer or employee of any department or establishment, unless at the request of either House of Congress. This, as must be obvious, is a very important provision, and aids in preserving the integrity of the Budget.

The Bureau of the Budget, under such rules as may be prescribed by the President, is required to prepare for him the Budget and any supplemental or deficiency estimates required, and to this end has authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments and establishments of the Government.

Also, the act provides that when so directed by the President, the bureau shall make a detailed study of the departments and establishments of the Government for the purpose of enabling the Government to determine what changes—with the end in view of securing greater economy and efficiency in the conduct of the public service—should be made, in the existing organization, activities, and methods of business of such departments or establishments; in the appropriations therefor; in the assignment of particular activities to particular services; or in the regrouping of services. The bureau shall report to the President the results of such study, and the President may transmit the report or reports to Congress together with his recommendations thereon.

The act also requires the Bureau of the Budget, at the request of any committee of either House of Congress, having jurisdiction over revenue or appropriations, to furnish the committee such aid and information as it may request; and under regulations prescribed by the President every department and establishment of the Government shall furnish to the bureau such information as the Bureau of the Budget may from time to time require, and the director and assistant director and employees of the bureau shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment.

Under the act the head of each department and establishment shall designate an official thereof as Budget officer therefor, who, in each year under his direction shall prepare the departmental estimates; and such Budget officers shall also prepare for their respective departments and establishments the required supplemental or deficiency estimates.

The head of each department and establishment is required to revise the respective estimates thus prepared, and submit them to the Bureau of the Budget on or before September 15 of each year.

Thus, under the Budget act, there must be presented to Congress by the President at each session not only a complete picture of the estimated requirements and receipts of the Government for the ensuing fiscal year, but also a complete picture of governmental receipts and expenditures for the current fiscal year and the last fiscal year, and of all fiscal operations and needs of the Government, so that Congress, in performing its constitutional work of providing the money for the operation of the Government, may have all necessary information and aid for the purpose. Through the detailed estimates and data submitted by the various departments to the Bureau of the Budget, and by the bureau revised and submitted to the President, the latter is enabled in turn to transmit to Congress the full information required by the act touching estimates of receipts and expenditures and related matters.

The Budget act also creates what is termed "The General Accounting Office," which is made independent of the executive departments of the Federal Government, and under the control and direction of the Comptroller General of the United States, an office created by the act. By the provisions of the act the old offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury were abolished. The salary of the Comptroller General was fixed by the act at \$10,000 per year and the salary of the Assistant Comptroller General at \$7,500. The powers theretofore conferred on the Comptroller of the Treasury, the half dozen auditors of the Treasury Department, and other general accounting officers and divisions of the Treasury Department were by the act transferred to the jurisdiction of the Comptroller General, the purpose being to create a single great central auditing and accounting office with independent powers. In furtherance of the purpose of independence the act fixes the terms of the Comptroller General and the Assistant Comptroller General at 15 years each. The President appoints, with the advice and consent of the Senate, these two officials, and either may be removed at any time by joint resolution of Congress, after notice and hearing, when, in the judgment of Congress, either has become permanently incapacitated or inefficient, or guilty of neglect of duty or malfeasance in office, or of any felony or conduct involving moral turpitude, and, to quote the language of the act, "for no other cause and in no other manner except by impeachment."

The act also provides that all "claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

Further provisions of the act provide that the Comptroller General shall investigate anywhere all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President and Congress reports of the work of the General Accounting Office, together with recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlements of accounts and concerning such other matters relative to the receipt, disbursement, and application of public funds as he may think advisable.

Other duties for the Comptroller General are prescribed by the act, but I have indicated those of major character. You will understand, therefore, that the Budget act, by creating the General Accounting

Office, concentrates in that office the various accounting and auditing activities of the Government and makes the work independent of all other departments of the Government. All this has been done for obvious reasons of efficiency and economy in governmental accounting and expenditure. The General Accounting Office is regarded as a very effective factor in the proper operation of a governmental budget and accounting system.

The two Houses have amended and revised their rules and procedure and formed their committees so as fully to cooperate with the President and the Bureau of the Budget in the administration of the Budget. All appropriations originate in the House. With the exception of the Claims Committee, the House Committee on Appropriations (with some minor exceptions) has superseded all the various committees which formerly framed appropriation bills. To prevent duplication of hearings, the Claims Committee has retained its jurisdiction to report measures appropriating funds for the payment of claims heard and favorably determined by it. However, the total of claims whose payment is annually provided for by Congress is relatively small; and this leaves to the present-day Appropriations Committee, of which I now have the honor to be a member, the great work of framing the bills for practically all the expenditures of our National Government. This committee, which, under present conditions, is perhaps the most powerful and important in either branch of Congress, is made up of 35 members—20 Republicans and 15 Democrats. The committee is singularly and, I may say, most happily free from partisan motives or action. As I am a new member of the committee, having been named to serve on it at the beginning of the first session of the present Congress, I feel that I may with propriety speak in compliment of its work. Most of the members have served on the committee for a number of years, and Hon. MARTIN B. MADDEN, of Illinois, as chairman of the committee, has rendered to the Government and to the taxpayers of the Nation a service of the very highest character. His knowledge of the fiscal needs and operations of the Government is of the most extensive and intimate character. He is a successful business man, has had wide and most useful experience in public affairs, and is possessed of untiring energy and moral courage. Added to these qualifications is a sincere and intelligent zeal to protect the great body of the American people, the men and women of the country who have to bear, either directly or indirectly, the burdens of Federal taxation. His spirit of governmental thrift and economy inspires the entire committee, and its work is accordingly governed. Both Houses accept and enact, in their substantial form, the various appropriation bills as reported by the House Appropriations Committee.

The House Committee on Appropriations is now divided into 10 subcommittees made up of from five to seven members each, the majority party in Congress having thereon a majority of members. These subcommittees are as follows: Treasury and Post Office Departments, District of Columbia, War Department, Department of Agriculture, Independent Offices, Interior Department, Navy Department, Departments of State, Justice, Commerce, and Labor, Legislative Establishment, and Deficiencies. At the beginning of each session the President sends to Congress his message, transmitting the Budget for the ensuing fiscal year. The Budget is in printed form, and makes a volume of hundreds of pages wherein are set forth, for each department and activity of the Government, all figures and data showing expenditures made, being made, and probably needed to the end that Congress may, as contemplated by the Budget act, have the necessary information to enable it properly to frame the great appropriation or supply bills for the ensuing year. This message and the Budget, when received in the House, go to the Committee on Appropriations, and printed bills, or prepared appropriations acts, with comparative and explanatory data compiled from the Budget, are prepared by the clerk and assistant clerks of this committee for the use of the various subcommittees. These bills are based on the estimates and data set forth in the Budget. These subcommittees conduct their separate hearings, intensive in character, relative to the respective departments and establishments, respectively, covered by them. The subcommittee on deficiencies frames the appropriation bills necessary to take care of expenditures authorized by new legislation and deficiencies in regular appropriations. The subcommittees receive the testimony of Cabinet, bureau, division, and Budget officers; and examine, in the most thorough way, all who appear before them, in order to determine the correctness and justice of the respective estimates submitted in the Budget and the need for modification of these estimates. All this testimony, taken down in shorthand, transcribed, and printed, is accompanied by tables and documents not included in the Budget. These printed hearings cover several thousand pages, and are available to every Member of the House and Senate.

When a particular subcommittee—as, for instance, my own, that of Treasury and Post Office Departments—completes its hearings, often lasting for weeks, it goes over the printed bill and agrees on all changes in estimates or language deemed, under the facts, necessary or desirable. Congress is not bound by any Budget estimate and has full

power to modify or eliminate any estimate. Thereupon the entire House Committee on Appropriations is called to meet and consider the bill, and at this meeting the revised, printed bill, the printed hearings, and a printed report to accompany the bill are furnished each member of the committee. The chairman of the subcommittee explains the bill, discussions are had, and sometimes modifications and amendments—usually of minor character—to the subcommittee's bill are proposed and determined. Then by favorable vote of the whole committee the chairman is directed to report the bill to the House. Then a time is fixed in the House for the consideration of the bill. When the day or hour arrives the chairman of the subcommittee having charge of the bill reaches an agreement with the ranking subcommittee member of the opposing political party as to the period of general debate, which shall begin before the reading of the bill commences. The House resolves itself into the Committee of the Whole House on the state of the Union for the purpose of hearing the debate and for the reading and consideration of the bill. The debate occurring before the reading of the bill begins is ostensibly on the bill itself, but is only partially so. The chairman of the subcommittee controls one half of the time allowed for this period of debate, and the ranking member of the subcommittee on the other side of the House controls the other half. While these two usually confine their discussions to the provisions of the bill, the chairman of the subcommittee making an explanation of its provisions, the greater number of the Members of the House who take part in this so-called "debate" talk upon any subject which they may choose. This particular period is a sort of "open season" for congressional speech-making.

When this "debate" is concluded the reading clerk of the House begins to read the bill, and during the reading amendments may be offered, discussed under the five-minute rule, and determined. The bill is ultimately read in its entirety. In the Committee of the Whole 100 Members of the House constitute a quorum. The Committee of the Whole is less formal and more flexible in its procedure than is the House itself. In the House, as distinguished from the Committee of the Whole, to have a quorum for the transaction of business there must be present not less than one-half, or 218, of the total elected membership of the House, 435.

There is a general rule of the House, known as the "Holman rule," which forbids any provision to be included in an appropriation bill or in any amendment thereto changing existing law, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salaries of the officers of the United States, by the reduction of the compensation of any person paid out of the United States Treasury, or by reduction of amounts of money covered by the bill. Also, under the rules of the House, no appropriation shall be carried in any appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless same is in continuation of an appropriation for such public work and objects as are already in progress.

When the Committee of the Whole concludes its consideration of the bill it is reported by the committee to the whole House with any amendments it has adopted. Then the House acts on the bill, and when approved by the House it goes to the Senate for action. There is also a Committee on Appropriations in the Senate; and the bill upon going to the Senate is referred to that committee, and, in turn, is referred to the appropriate subcommittee for consideration. There are subcommittees of the Senate Appropriations Committee similar to those of the House Appropriations Committee. These subcommittees of the Senate Appropriations Committee do not conduct such extensive hearings as those of the House Appropriation subcommittees, but deal more particularly with controversial points and new matters. The Senate subcommittees have the benefit of the printed hearings of the House subcommittees, and by reference thereto the substantial duplication of the hearings is rendered unnecessary. The procedure in the Senate Appropriations subcommittees and in the Senate Appropriations Committee is generally similar to the procedure of the like committees in the House. When the bill is reported back to the Senate by the Senate Appropriations Committee with recommendation for its passage, with inclusion of any amendments, changes, or additions made therein by the Senate Appropriations Committee, the bill is read and discussed in the Senate, and finally passed. Amendments may be offered on the floor of the Senate, and if adopted go into the bill.

Thereupon, if the Senate has adopted any amendments or made any changes in the bill as received from the House, the bill is sent back to the House, and if the House is unwilling to accept the amendments and changes made by the Senate the bill goes to conference, the House designating certain members of the appropriate subcommittee of the House as conferees, and the Senate designating certain members of the appropriate subcommittee of the Senate as conferees. The conference committee thus appointed undertakes to compose the disagreements involved, and when they are composed and the two Houses agree thereto the bill is ready for the President's signature, or approval. Upon his approval the bill becomes a law.

This, in brief, is an outline of the Budget and the legislative procedure involved in and about the enactment of an appropriation bill, and broadly speaking, the legislative action involved is a part of the Budget operation.

At this juncture I deem it appropriate to speak a word of commendation for the able and tireless chairman of the Senate Appropriations Committee, Senator FRANCIS E. WARREN, of Wyoming. His long service in the Senate and his broad experience in national affairs render him peculiarly fitted for the chairmanship of this committee; and his committee is cooperating with the House Appropriations Committee in the work of keeping down governmental expenditures.

It must be apparent that the Budget system, if it properly functions, will prove to be greatly superior to the old haphazard and nonscientific method of governmental appropriation and expenditure. The experience of the country during the past four years under the Budget system, in my judgment, amply justifies its creation. A lack of time will not permit me at any great length to go into the details involved, but I shall submit some comparative figures and observations to demonstrate the truth of what I am saying.

Since the Budget and accounting act became a law in June, 1921, the estimates of needed appropriations submitted to Congress have been submitted in accordance with the provisions of the act. Congress is now considering the fourth annual Budget, and the deficiency and supplemental estimates which have come to Congress since the transmission of the Budget for the fiscal year 1926—that is to say, the Federal fiscal year which begins July 1, 1925, and closes June 30, 1926. By the collaborative action of the President, the Bureau of the Budget, and the Congress under the Budget system since the system became effective, large reductions of expenditure have been effected and economies made, and certain great and outstanding results have been accomplished, some of which I shall indicate.

The national expenditures have been reduced from the stupendous and staggering total of something like six and one-half billions of dollars per year—the total for the fiscal year ending June 30, 1921—to something over three billions for the current fiscal year. In fact, under the very first year of Budget operation there was brought about a reduction of something like \$2,000,000,000; and for each of the subsequent years of Budget operation there has been secured something more than that total of reduction as compared with the fiscal year ending June 30, 1921, the last before the Budget system commenced to function.

We are now paying annually about \$470,000,000 on the principal of our public debt, and about \$865,000,000 per year on the interest on the public debt. During the past four years the annual interest charges have declined from about \$1,000,000,000 to \$850,000,000; that is to say, about \$150,000,000 per year. This reduction of interest charges has been due to the reduction of the public debt.

The public debt has been reduced since March 1, 1921, from the total of something more than \$24,000,000,000 and a Federal per capita indebtedness of something like \$220, to a total of \$21,250,000,000 and a Federal per capita indebtedness of a little less than \$190. The total public debt reduction through payment has thus been about \$2,800,000,000, and provision is now being made in each year's Budget for debt retirements of \$500,000,000 chargeable against ordinary receipts.

In addition, short-term indebtedness has been either retired or advantageously refunded. Liberty bonds which at the beginning of the Budget period were selling around 85 cents on the dollar have long since been selling at or above par.

Twice during the same period tax reductions have been effected by Congressional enactment—once in 1921 and again in 1924—and thereby our annual Federal taxes have been scaled in the enormous total of something like \$1,250,000,000 per year.

By means of all these matters our national finances have been placed on the soundest basis. At the close of the fiscal year 1924—on June 30, 1924—there was in the United States Treasury the largest surplus in the history of the Government; that is to say, more than \$505,000,000. The total of ordinary receipts of the Government for the same fiscal year were over \$4,012,000,000, while the total of expenditures chargeable against these receipts was \$3,506,000,000. The total expenditures for the fiscal year beginning July 1, 1926, chargeable against Treasury receipts, will be a little more than \$3,000,000,000. This total will include any deficit which may result from the operation of the Postal System. The Postal System is not fully self-sustaining. The postal revenues now amount annually to almost \$640,000,000, and are applied directly to payment of postal expenses. The annual postal deficit is running at something like twenty to thirty millions of dollars. The total postal receipts being from twenty to thirty millions of dollars less annually than the total annual postal expenditures, the difference, or so-called deficit, must be paid from Treasury funds, and the estimate of something over \$3,000,000,000 for 1926 expenditures includes the estimated postal deficit for that year.

You may be interested to know how the total of a little more than three billions now being appropriated in Congress for the ensuing fiscal year will be expended. Let me enumerate:

Legislative establishment.....	\$14,904,031.80
Executive office and independent offices.....	452,393,334.00
Department of Agriculture.....	124,774,441.00
Department of Commerce.....	22,957,334.00
Department of the Interior.....	239,727,403.67
Department of Justice.....	24,205,822.00
Department of Labor.....	8,602,625.00
Navy Department.....	287,402,328.00
State Department.....	16,011,512.77
Treasury Department.....	126,951,947.00
War Department.....	332,282,671.00
District of Columbia.....	31,812,237.00
	<hr/>
Permanent annual and indefinite appropriations.....	1,682,025,687.24
	85,326,178.24
	<hr/>
Reduction in principal of the public debt.....	1,767,351,865.48
Interest on the public debt.....	\$484,763,130.00
	830,000,000.00
	<hr/>
Total payable from the Treasury.....	3,082,117,995.48

This estimate of expenditures for the ensuing fiscal year may be accepted as being correct for all practical purposes, since it is based on appropriation bills which have been passed at the present session or are in process of being passed, and the aggregate results are now virtually determined. The estimated total of 1926 expenditures includes payments to be made on the public debt amounting to about \$485,000,000 and payments of interest on the public debt of \$830,000,000, or a grand total of payments on public debt and public-debt interest of \$1,315,000,000. This will leave about one billion seven hundred millions to be expended for the ordinary and regular operating expenses of the Government. This is getting back toward pre-war costs of governmental operation, and in this total of one billion seven hundred millions are included extraordinary expenses of Government unknown to the pre-war period, namely, soldiers' adusted compensation, Veterans' Bureau, and other heavy expenditures coming as a result of the war. With these items added to war debt and war interest payments, and the resulting total subtracted from the 1926 estimate of expenditures, the approach to pre-war governmental operating costs is even more marked. It is to be doubted whether further reductions of expenditure, speaking in totals, may be effected. The normal growth of the country and the inevitable increase of governmental business, will render further reduction of expenditure difficult. While it is doubtful whether further reductions in any substantial way can be effected, although, of course, it will be the duty, and I am sure it is the purpose, of both the executive and legislative departments to make them if possible, yet, with the growth of business and population, receipts will probably increase in such wise as to permit in the near future further tax reduction, perhaps at the next regular session of Congress, which convenes next December. I am sure that this is the sincere wish of the President and Congress and the devout and earnest hope of the country at large. Our national prosperity must be measured in large degree by the reduction of our burdens of Federal and local taxation. Of course, in due time, at the present rate of payment, our public debt will greatly diminish, and likewise the interest charges thereon, and through these means our Federal expenditures will ultimately be reduced; but, as just stated, it is to be doubted whether further reduction may be made as to those expenditures for governmental operation as distinguished from public debt and public interest payments.

In the making of the wonderful financial record which has been made since the enactment of the Budget law, nearly four years ago, the greatly abused legislative branch of the Government has done its full share. President Harding inaugurated the Budget system, and he and the Congress cooperated to make this system effective. President Coolidge has greatly distinguished himself by his insistence upon the practice of rigid economy, and the Congress has cooperated with him also. The directors of the Budget have done splendid work and have helped to demonstrate the great value of the Budget law. Because of its initial relationship to the subject of appropriations and the spirit in which it has wrought, the House Committee on Appropriations has been a prime factor in the great work which has been accomplished. In fact, the appropriation bills formulated and reported by this committee and enacted by Congress during the four years of the Budget period have been less than the totals submitted in the Budgets by nearly \$350,000,000.

The Bureau of the Budget is busy all the year in digging for and securing the facts on which to base its estimates for appropriations, and it is working all the time to prevent waste and duplication of activities. In the biyearly meetings of the Business Organization of the Government the President and the Director of the Budget address the responsible heads of the various departments and establishments of the Federal Government upon the questions of governmental expenditures and economy, and there is communicated to all these departments and establishments a spirit and purpose of economy and retrenchment of the greatest value.

The enactment of the Budget law was in itself a great step made by the President and Congress toward retrenchment and reform. The solemn purpose to bring about substantial reduction of national expenditure impelled Congress to enact, and President Harding to sign,

that law. The Budget system was considered as the only system whereby the desired results might be secured. Its operation has certainly justified the action of those who brought it into life and action. It is the only system. As a people we should never tolerate any other. Through its beneficent operation we, as a Nation, are marching from the black night of financial chaos to the open day of financial security. The lessons of the national Budget system—it is to be hoped—will not be lost on States and municipalities of our country. The local governments have a duty to perform in the great work of reducing the burdens of taxation no less important than that of the Federal Government. Thrift, it is said, is the difference between the civilized man and the savage. What is true of men is true of nations. I am sure that the world to-day knows of no more effective instrument for bringing about relief from the overwhelming burdens of taxation under which it is groaning than an intelligently planned and executed system governing the expenditure of public funds, such as I have sought to explain to you this evening.

In conclusion permit me again to thank you for your courtesy and hospitality, and to express the hope that some time in the near future I may be able to return to your magnificent city and drive over a handsome completed boulevard, Orleans Street, of which I have heard so much to-night, and concerning which your acting mayor a little while ago gave such pleasing assurances.

Mr. LINEBERGER. Mr. Speaker, as an appropriate aftermath to the celebration of the natal day of the Father of his Country, the immortal George Washington, and in order that we may refresh our memories of the epic events in which he played such a glorious and conspicuous part, I ask unanimous consent to extend my remarks in the Record by printing a most inspiring address on the American Revolution recently delivered by the gentleman from Wyoming, Mr. WINTER, at a meeting of the Sons of the American Revolution held in the city of Washington on the evening of January 21, 1925. This address should be read by every patriotic American as an inspiration for a greater love of his country.

The SPEAKER. Is there objection?

There was no objection.

THE AMERICAN REVOLUTION

Patriotism is indeed a noble passion. Even the blind adoration of a name may have in it something admirable, something fine and elevating. The patriotic frenzy of the soldier whose vision, amid the roar and swirl of battle, is fixed upon his flag and who follows that flag unto death, can not fail to awaken within our breasts an answering thrill. But in the degree that those who gave sacrifice offered themselves, not merely for a name, a section, a party, a class, but for principles of humanity, and of freedom, of high ideas, and noble ideals, were they truly inspiring and uplifting. Our soldiers of the Revolutionary War fought for the establishment of free government; they fought for a principle of the utmost importance to the future of humanity.

The history of war in general is a stupendous volume of folly and crime. War has been termed "the malady of princes." But there have been wars of righteousness and ultimate peace, involving vital principles affecting the welfare of mankind for all future time. These were wars over whose battle fields presided the triune spirit of civilization: Justice, liberty, and humanity. Of such was the War of the American Revolution.

A noted American said that George Washington had become to us but a steel engraving. He meant that we had so stereotyped his life and character in our thought and speech that we had lost sight of the true man. There is some truth in the criticism. That criticism can also be applied to us in a degree as to the Revolution of which he was the foremost figure. If we can bring to our minds and hearts a deeper realization and a keener appreciation of that great war and its blessings to us, and apply its lessons to the present, the hour will not have been in vain.

We are all apt to read and speak of Washington, the Declaration of Independence, Lexington, Bunker Hill, Valley Forge, and Yorktown as so much history. But the study of those annals reveals to the thoughtful student, discoveries of tremendous import and significance. The magnitude of the issues involved in that great struggle can not be realized when we fix our eyes simply upon the war itself.

It is only when we view with comprehensive glance the conditions that preceded and surrounded, the forces that wrought out, the spirit that animated, and the events that succeeded the American Revolution, that we can realize the stupendous meaning, the true grandeur, and glory of that mighty event.

CONDITIONS THAT PRECEDED AND SURROUNDED

For centuries the human race had been submerged. Man had ever been the subject and supporter of kings, queens, and despots. The divine right of kings was inculcated in the masses. Wars were waged for conquest, spoils, ambition, or revenge. It was the fate of the common people to find destruction in the gratification of the passions and ambitions of the ruling powers, and they were sacrificed in countless numbers in the struggles of monarch against monarch.

Such was the state of Europe in the centuries preceding the discovery of America and the establishment of the Nation. Behold the Old World! Worn by the continuous tread of armed hosts; woven together in a common fate by the crossing and recrossing of the battalions of every nation; its fields plowed only by shot and shell and hardened by the tramp of contending armies; crowded to the shores in spite of decimating wars; its traditions, customs, laws, history, institutions, all bearing down upon the common man and crushing him into the very earth with their stupendous weight, the Old World held no hope for the race of man. No ray of light found its way through the dark pall of subjection and degradation. The spirit of man was crushed, his intellect blinded, his heart stricken and blunted, his soul left in darkness and despair. Ignorance and superstition and the tyranny that fostered them held him in iron thrall. What hope, what room for man? The question came up from the heart of the masses. It rose again and again to fall again unanswered. What hope, what room for man? Higher and yet higher it rose—the last desperate cry of burdened humanity. From the north—no response—the star of the north shone pitilessly; from the south—no answer—the Southern cross gleamed silently; from the East—nothing—the Star of Bethlehem was hidden; in the west "the star of 'man's' empire" appeared—God answered with a new continent! It was the only solution. It came in the fullness of time when man's greatest need had come upon him. And "westward the star of 'man's' empire took its way."

A new continent! What conceptions it awakened! What possibilities were locked in its mighty bosom! What vast interests for humanity were embraced between its two oceans! What grandeur in its physical aspects! Yet more, what possibilities for freedom upon its undefiled expanse! At last the time had come when through the breast of the common man, servile, downtrodden, enslaved, there shot the strange lightnings of hope. At last the time had come when he could forever leave the scarred shores of the Old World and in a New World stand erect, feel the giant's strength flowing into every limb, lift his head into the sunlight of freedom and feel within his breast the purpose, the courage, the hope, the will, the spirit of a man—a man as God meant man to be. Such were the glorious possibilities that now gleamed before the eyes of men.

THE FORCES THAT WROUGHT OUT

The New World slowly emerged from the fears and fallacies of monarchy and watched with intent eye the dawning of a new day in the horizon of government. But the grasp of the Old World and the old system was not to be loosed without strenuous conflict and desperate struggle. But now the forces begin to act. Patrick Henry, the mountaineer, with tongue of fire, inspires the hearts of his countrymen. The Declaration of Independence is given to a startled world. The war for liberty is begun! "All men are created equal" and have an "inalienable right to life, liberty, and the pursuit of happiness" is the sublime trumpet note that encircles the globe; and wherever the spirit of liberty dwelt upon earth it thrilled into life and sprang into action at that mighty call to arms. Now, mark how the friends and forces of liberty gathered and drew from all the earth.

From Poland came Count Pulaski, the brave; came Kosciusko, forever immortal in the annals of freedom. Baron Steuben, faithful and courageous, hastened from Prussia to the scene of action. Dekalb, heroic and freedom-loving German, cast himself into the struggle. From France, bursting the gilded fetters of aristocracy, offering wealth, service, and life itself in the holy cause, came Lafayette, the "friend of liberty." Thus in time of need, in the supreme years, in the hour of destiny all the forces and strength and power of the cause of freedom were centered in the American Revolution, upon which depended the supremacy of liberty, the emancipation of man.

THE SPIRIT, THE PRINCIPLE THAT ANIMATED

The spirit that animated the breast and fired the soul of the revolutionary patriot was as high and pure as ever stood behind bayonet or flashed over blade of sword. Compare for a moment the underlying principles of the American Revolution with those of that other great movement, the French Revolution. Material causes in the main urged the French to the radical resort of revolution, though its students had written theoretically of human rights. The people of France were driven to madness by physical suffering. Lack of bread, hunger of body, and hatred of a tyrannical and extravagant court raised them to the heights of frenzy. Thus want and misery and rage were the forces that wrought upon them a wild transformation, that stormed the Bastille, that swept the mobs against the gates of the Tuilleries; that sent Louis XVI to his doom; that, defying the very Deity, lifted the whole Empire of France in one mighty cataclysm of destruction and left it a bleeding wreck. Excesses such as these were impossible to the American revolutionist. He fought not for revenge, not for material causes, not for himself alone; he fought for the principles of human liberty. The French movement, based in part upon material causes, grew to license, anarchy, chaos, and fell back exhausted into the arms of empire. The American struggle, based upon an eternal principle, rose to the greatest revolution of all history, established forever the rights of man, and builded upon these foundations the greatest Nation on the globe.

All the experience of the centuries centered into the contest fought by our forefathers and all the future of free government was to issue from it. The contest they waged was the focus and fulcrum of all the past and of all the future. Upon it the balances of human government hung trembling. "Forty centuries look down upon you" said Napoleon to his soldiers as he stood in the shadow of the pyramids. All the centuries of the past looked down upon the American Revolutionary soldier and all the centuries to come were to look back upon him. Thus the greatness of his mission lifted him above the sordid interests of war and filled his soul with lofty emotion and glorious patriotism. Human liberty for self-government was his inspiration. Liberty was his watchword; whether rung from his lips by the dread sufferings of the winter camps, sighed in the weariness of the march, hurled at the enemy in the charge of battle, or shouted to the very skies when victory had come.

CONCLUSION AND RESULTS

The American soldier fought the war of man. Every conflict of the Revolution was a conflict for the race. God had prepared for centuries for the coming of a great principle, for the birth of a new idea, and upon the new continent was that idea to be brought forth. It was the cause of humanity battling for its own. It was unconquerable; it was irresistible. On the plains of Yorktown Cornwallis surrendered to Washington. The old world delivered its sword to the new. The emancipation of man was forever a reality.

ELEMENTS OF REVOLUTION

Every revolution in the world's history that succeeded—and there is a profound lesson in the fact—had in it three elements: Liberty, law, and growth. A true desire for liberty, supported by law and order and preparation for the change. Nearly every struggle in which these three elements did not inhere failed. Why?

A desire for liberty alone does make a war justifiable or worthy of success. Liberty alone is simply savagery. Absolute liberty would permit me to kill were I the stronger. Government is necessary in order that we may live together in peace and security. There must be law to make liberty safe. Otherwise every man's will would be his law, and the result would be not liberty, but anarchy, the worst form of tyranny. Then there must be growth in order that a people may have time to adjust themselves to the new conditions, that they may have the intelligence to enact law and the wisdom to respect it when enacted. Let us illustrate.

The French revolutionists under Robespierre cried, "Liberty," but they caused a bloody reign of terror and failed. Why? Because they lacked the elements of law and growth. The French revolutionists under the Girondists sought liberty and sought it under law, but they attempted to overturn a government in a night and inaugurate another, and failed. They ignored the element of growth. Madame Roland, their representative, went to the scaffold crying, "O Liberty! What crimes are committed in thy fair name!"

A war for liberty without the elements of law and growth may be a mere insurrection; a war for liberty under law, but without capacity, or a war under law with capacity but not for liberty, may be but a rebellion; but a war for liberty under law through growth is a revolution. Let us test the struggle of '76 with these propositions.

Our forefathers fought for liberty, and they fought for it under law, two of the three essential elements. Did they have the third? The patriots of '76 were the products of hundreds of years of development. Their forefathers and ancestors began the upward struggle six centuries ago. They slowly rose from the ignorance and savagery of the primitive Anglo-Saxon to a form of civilization and order. They wrested from the hands of kings by degrees measures of freedom, finally attaining the Bill of Rights and Magna Charta. Thus they grew in status, in knowledge, in ability, in wisdom, in self-restraint, and self-control, as a people, to make law and uphold law, until at length, when they landed upon the shores of America, and on through the colonial days to the Revolution, they were industrious, intelligent, self-respecting, law-respecting people. They were fit for self-government.

The American war of 1776 was not an insurrection, it was not a rebellion, it was a revolution. Therefore when the world saw our forefathers battle to establish a Government on this continent, they saw a people who were to be victorious and a Nation destined to live.

EVENTS THAT SUCCEEDED—PROGRESS UNDER FREEDOM

The flag of a free, independent, and self-governing people now floated amid the flags of the world. It carried the great story of a great struggle for a great principle greatly won. It spoke a new language to men. Along the color of its stripes and in the blue of its stars were read by all the world: "Equality before the law"; "The right of self-government"; "Life, liberty, and the pursuit of happiness." What did these things mean? They meant a liberated body, a liberated mind, a liberated conscience; a liberated man! And mankind everywhere recognized the wisdom, the justice, the benevolence of those principles. The oncoming millions, peopled with marvelous rapidity the virgin soil of the new Nation. Then was demonstrated to the world that the principles of free self-government are the true bases of civilization and progress. Everywhere in this land the mind of man sprang

into activity. Wonderful developments attended the labors of science, invention, industry, art, and literature. Daniel Webster's well-known conception and figure of speech concerning the financial policy of Alexander Hamilton may well be applied in a larger sense to the progress of man under self-government. For the fabled birth of Minerva from the brain of Jove leaping forth fully armed and equipped for battle, was of a truth, not more sudden and wonderful than the birth of progress from the mind of liberty, springing full-panoplied before the world. Such was the unparalleled growth of this young, puissant, giant Nation, that the old established governments of earth stood and looked in amazement.

And to what have we attained to-day? To-day America's name has been carried to the uttermost portions of the globe. It has touched every language. The flashing of our guns at Manila and Santiago and at the Argonne emblazoned it upon the heavens so that all the world must see and know and acknowledge the greatness and power of free government. America to-day leads all nations and all peoples. In her extent or in her productiveness, in her principles or in her institutions, in her strength or in her intelligence, in her citizenship or in her statesmanship, in her measures of peace or in her measures of war, in the care of her humblest citizen or in the emancipation of a race, in her mighty conservatism or in her splendid progressive genius, America stands to-day peerless, magnificent, triumphant—the most powerful and enlightened nation of earth—the marvel of the ages; her people, despite all criticism, the most secure in their rights, the most prosperous in their activities, the happiest in their homes of all the peoples of the world.

DUTIES OF CITIZENSHIP

"The worth of a nation," wrote John Stuart Mill, "is the worth of the individuals composing it." A French King once said, "The State, I am the State." He lied. The people are the State. Government with us begets men not subjects. Men with us beget government not monarchs. The individual, the common man, constitutes and creates government. In the individual lies the greatness, the safety, and the perpetuity of the State. Judges, legislators, orators, leaders, may give expression and direction to the laws and policies of a nation, but they emanate from the people. The common citizen is the bone and sinew of the body politic. As in military life the issue depends finally upon the common soldier—witness Chateau-Thierry, St. Mihiel, and the Argonne—so in civil life it depends upon the common citizen. He is the power that drives the wheels of traffic, that draws from the earth its wealth of product, that constitutes the busy marts of trade. He gives the community its standard of morality; he comprises within himself the enterprise, the courage, and the intelligence of the commonwealth; he forms our national character. He makes our Nation great.

That the highest consummation possible to our Government and civilization may be attained it is necessary for us, as individual citizens, for you and for me, to perform our duties and rise to the full stature of American citizenship.

We must appreciate and exercise the blood-bought right of suffrage, the ballot.

We must cling to original principles, to our governmental fundamentals.

We must continue to adhere to the American principle of the utter separation of church and State. We must continue to stand for religious freedom, and that means we should not attempt to legislate religion into our people.

We must continue to uphold the freedom of the press, freedom of speech, the sacredness of the home—inviolable except to constitutionally obtained search warrant.

We must all support the constituted authorities and agencies of law enforcement, and one method of so doing is for every thoughtful, good citizen to make individual, personal application, and meet his or her own obligation of obedience to law.

We must insist upon the proper and legitimate exercise of Federal supervision and the police powers of the State. We must hold it a dereliction of duty, an abandonment of its rights, and seminullification for any State to refuse or fail to exercise its concurrent power of law enforcement.

We must keep inviolate the basic structure of our Government with its three divisions—the executive, the judicial, and the legislative—maintaining each in its proper sphere.

One of our chief responsibilities is to preserve our essential form of government. After chiefs came monarchs, despots, royal lines, and the so-called divine right of kings. Then the people awoke to the fact that government was too much centralized in these heads and that their former individualism had left them, their liberties were gone. Denied liberty, they in time revolted against all authority and produced anarchy, and history ever since has been made up of the struggles between governing powers for more power and the people for more freedom. Out of all this it was seen that there must be both governing power, meaning law and central authority, and individual liberty.

When this country was established it came nearer solving the problem of the proper balance of these factors than had any nation of

earth. In fact, it solved it. Our Government is so formed that there is authority—the centralizing, centripetal power, corresponding to the sun in the solar system; and there is liberty—the expanding, centrifugal power, corresponding to the force of the earth's tangent-seeking momentum in the planetary system. Thus, like the earth, our Government is kept in its proper orbit equally balanced between centralization and individualism. The result is orderly liberty.

We have a great duty to perform in maintaining this balanced Government. To do this we must clearly realize that organization, system, law, and order are in no wise subjection, oppression, or tyranny, but, on the contrary, they give greater real liberty and secure truer freedom. We must preserve our representative government, distinguished from pure democracy, as designed and instituted by the founders of the Nation. On the other hand, we must remember the lessons of history where excessive central authority led on to despotism and absolutism. It is just as much our duty to guard jealously local, individual, and State rights, contemplated and provided in the Constitution, as it was ordained and established by the people. In different periods we have tended one way and then the other. At present the tendency is to centralize too much and to invade the local jurisdiction, and thus to impair the proper equilibrium of the governmental structure. Disturbance of that equilibrium means friction and hostility which would be a dual government; what we want is a dual government.

How shall we best be prepared to meet the responsibilities and requirements of citizenship at this time? Let us study the lives and character of great men of the Nation. Let us study the history of our country. Let us realize the mission and destiny of this Republic. Think of that history! Free thought, free press, free worship, free labor, free ballot, free slaves, and free schools. Such have been the contributions of America in the advancement of civilization, and such will ever remain her glory and her pride. These are seven hills that base an empire greater than the "Seven Hilled Rome." These are seven stars that glitter upon the brow of our Statue of Liberty to light the citizen in the path of reason and patriotism.

Among our many great leaders I would point you to-night to but one: To Washington, that tall, strong, serene, just, good, and grand character, so perfectly represented by this monument at the Nation's Capital, which rises in beautifully severe lines to its majestic height; Washington, one of the few of the world's great. Lincoln said of him: "Washington is the mightiest name of earth. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on."

What of the mission of the Republic? I have sometimes pondered on the question of what the ultimate destiny of our civilization will be. Other great nations and civilizations have risen to supreme power and great heights and under an inexorable law of progress have then passed through decay to death. I hold the abiding conviction that the world is prepared for a civilization supreme and permanent. Why is not this our Nation, our country, and our people the fitting foundation for the perfect superstructure? For thousands of years mankind has been struggling upward for freedom, for justice, for liberty, for knowledge, for brotherhood. We trust that through our race, upon our soil, under our Government, its principles and institutions the goal of the ages may be attained, and that we shall uplift and draw all mankind with us.

MEANING OF THE FLAG

The Red, the White, and Blue! I know not the original significance of those colors; I know not the thoughts that inspired their choice. I know only that the flag is a perfect flag. Try as we may to divest ourselves of our American prejudice, our fairest judgment still insists that no flag on earth can approach its blended charms.

When freedom from her mountain height,
Unfurled her standard to the air,
She tore the azure robe of night,
And set the stars of glory there.

Then mingled with its gorgeous dyes
The milky baldric of the skies
And striped its pure celestial white
With streakings of the morning light.

What a magnificent tribute to its beauty. But is there not a deep significance in the colors of the flag? To me they betoken the life of the Nation. The power of prophecy had long since departed this earth but may it not be that some latent spark kindled the sacred fires for a moment and in their sudden light came the conception of the flag?

In the red I see that past. It is the symbol of strife. I see the Nation's birth, a period of force and suffering, of bloodshed and destruction; again follow doubt, discord, alienation; the storm and convulsion of the Civil War, and then amid the awful throes of the World War the Nation passes over the blood-crimson border.

In the white I see reflected the present. It is the symbol of peace. The Nation has advanced into the realm of reason. Arbitration and international law have succeeded war. A lasting truce has been struck. Science, invention, industry, art, and philanthropy give forth their

beneficent and refining contributions. The Nation is rousing to a fuller and a truer grandeur. "Peace hath her victories" even more "renowned than war."

In the blue I see the future. It is the symbol of love. Calm, clear, deep, serene, it inspires hope, trust, truth, and faith. It is the color of the skies; it is the environment of the stars; it is of the heavens. It suggests the spirit among men that "Man is his brother's keeper." Justice is enthroned at last, while humanity is the potent influence. I behold the working out into a majestic reality of that grandest rule of action, "The Fatherhood of God and the brotherhood of man."

Thou flag of the Nation! Not only art thou prophetic of our life and future, but of the progress of the human race. Where America leads the nations of the earth will follow and thou shalt beckon them to the highest and noblest destiny. Then all hail to thee! We salute thee! We would be worthy of thee! May'st thou ever wave, the ensign of liberty, happiness, and peace.

CHILD LABOR AMENDMENT

The SPEAKER laid before the House a communication from the secretary of state of North Carolina announcing the rejection by the legislature of the proposed amendment to the Constitution relating to the labor of persons under 18 years of age.

PREVENTION OF VENEREAL DISEASES

Mr. GILBERT. Mr. Speaker, I call up from the Speaker's table the bill H. R. 491, an act for the prevention of venereal diseases in the District of Columbia, and for other purposes, with Senate amendments.

The Senate amendments were read.

The Senate amendments were agreed to.

FIVE-YEAR SCHOOL BUILDING PROGRAM FOR THE DISTRICT OF COLUMBIA

Mr. REED of West Virginia. Mr. Speaker, I call up the bill H. R. 11079, the five-year school building program for the District of Columbia, and I ask unanimous consent that the bill S. 3765, identical with the House bill, be substituted for the House bill.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to discharge the committee and consider the Senate bill instead of the House bill. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, can the gentleman give us any indication when we may expect the rent bill to be taken up?

Mr. BLANTON. It is on the calendar.

Mr. LAGUARDIA. I am asking the chairman of the committee.

Mr. BLANTON. It is on the calendar, and the gentleman is interfering with it now.

Mr. REED of West Virginia. The bill is on the calendar and is in order to-day.

Mr. CONNALLY of Texas. It can be called up now.

Mr. LAGUARDIA. I do not see why it is not taken up now.

Mr. RANKIN. Reserving the right to object, how much time does the gentleman think this bill is going to take?

Mr. REED of West Virginia. A limited time.

Mr. RANKIN. Further reserving the right to object, I would like to propound a question to the Speaker. Yesterday was Washington's Birthday, and it has been customary to have his Farewell Address read to the Congress once a year on his birthday. I will ask the Chair if that is to be done to-day?

The SPEAKER. That is not within the Speaker's control. It was not done on yesterday, the Chair understands.

Mr. RANKIN. It ought to be done.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia to substitute the Senate bill for the House bill?

There was no objection.

Mr. REED of West Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3765, and pending that I would like to ask the gentleman from Texas if we can agree on the time for general debate.

Mr. BLANTON. I do not think it will require much time—20 minutes on a side.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent that the time for general debate be limited to 40 minutes, 20 minutes to be controlled by myself and 20 minutes by the gentleman from Texas.

The SPEAKER. The gentleman asks unanimous consent that the time for general debate be limited to 40 minutes, 20 minutes to be controlled by himself and 20 minutes by the gentleman from Texas. Is there objection?

There was no objection.

The motion of Mr. REED of West Virginia to go into Committee of the Whole House on the state of the Union was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will read by title.

The Clerk read the title, as follows:

A bill (S. 3765) to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, the purpose of the bill is to provide a sufficient number of school buildings to make it possible to abandon all portables now in use; to eliminate all rented buildings; to abandon the use of undesirable rooms; to reduce elementary-school classes to a standard of not more than 40 pupils per class; to provide a five-hour day for elementary schools; to abandon all school buildings recommended for immediate abandonment under the survey of 1908; to abandon all school buildings that have become unfit since 1908; to provide rooms so that we may be able to do away with the double-shift system in the high schools; to provide for the annual increase in enrollment of pupils; and, in general, to provide a program of schoolhouse construction which shall exemplify the best in schoolhouse planning and educational accommodations.

What is the situation that confronts us in respect to school accommodations here in the District? We have a shortage that is serious. For several years during the war period there was no attempt at construction. The number of pupils increased and went far ahead of the accommodations. As a result we now find that we are using 57 portable one-room buildings that may be moved where needed; 24 rented classrooms, at a rental cost of approximately \$20,000 per year; 30 rooms that are undesirable; 40 rooms in which there are oversize classes, and 129 part-time classrooms.

In addition we are now using 12 classrooms in buildings recommended for immediate abandonment in 1908, 90 classrooms recommended for early abandonment in 1908, 20 classrooms in buildings now in process of replacement, and 46 classrooms in buildings now unfit for use. This makes a total of 448 classrooms needed and which should be provided for within the five-year period covered by this bill.

Permit me to call your attention briefly to one item contributing to the shortage, that of increased enrollment. A 10-year period ought to be fairly comprehensive and an accurate index. The average increase in the number of pupils attending the elementary schools from 1914 through 1920 was 788 pupils. The average increase from 1920 through 1924 was 802 pupils. The average increase for the whole 10-year period was 793 pupils. On the basis of increased enrollment it is estimated that 100 classrooms will be needed during the five-year period, or 20 classrooms per year.

For administrative and supervisory purposes, the elementary schools in the District are grouped into geographical divisions; 1 to 9, inclusive, refer to white pupils, and 10 to 13, inclusive, refer to colored pupils. The distributions of the rooms to take care of increased enrollment is a somewhat difficult matter, because allocations must be made where study has shown the increase will most likely take place. But a careful survey based on all available data and a study of local conditions as to building and development has indicated the following increased enrollment in terms of classrooms, by divisions and years:

Division	1926	1927	1928	1929	1930	Total
First	3	3	3	3	4	16
Second	2	2	2	0	0	6
Third	4	4	4	4	4	20
Fourth	0	0	0	0	0	0
Fifth	2	2	2	2	2	10
Sixth	2	2	2	2	2	10
Seventh	2	2	2	2	0	8
Eighth	0	0	0	0	0	0
Ninth	0	0	0	0	0	0
Tenth	0	0	3	3	3	9
Eleventh	3	3	0	3	3	12
Twelfth	0	0	0	0	0	0
Thirteenth	3	3	3	0	0	9
Total	21	21	21	19	18	100

A study of the annual increase in enrollment in high schools from 1913 through 1919 shows a net increase of 1,713 and an average annual increase of 245; from 1920 through 1924 a net increase of 3,707 and an average annual increase of 927. There were in 1924, 2,971 pupils of high-school standing enrolled in our high and junior high schools in excess of the capacity of those buildings on November 1, 1924. However, to care for the 2,971 excess, there is under construction accommodations for 1,450 pupils, leaving 1,521 pupils in excess of capacity.

A study of the situation in respect to vocational schools shows that we are using three rented rooms, four undesirable rooms, and that one additional room will be needed within the five-year period to care for increased enrollment.

I have set forth the conditions that exist as to school-building needs in general. When we come to examine the specific conditions and needs of each administrative division we find them to be as follows:

FIRST DIVISION

Increased enrollment: It is estimated that 16 rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the first division that should be improved in a five-year building program.

First division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Addison	0	0	0	0	0
E. V. Brown	2	0	0	0	4
Conduit Road	0	0	0	0	0
Corcoran	1	0	0	0	2
Curtis-Hyde	0	0	0	0	1
Eaton	1	0	5	0	2
Fillmore	0	0	0	0	1
Industrial Home	0	0	1	0	0
Jackson	0	0	0	0	1
Reservoir	0	0	0	0	1
Tenley	1	0	2	0	1
Total	5	0	8	3	13

Grand total, 29.

Replacements: The following schools should be replaced:

School	Rooms
Threlkeld	4
Tenley	8
Conduit Road	1
Total	13

Construction already initiated: An appropriation of \$25,000 for land and of \$160,000 for an eight-room building and assembly hall was carried in the appropriation bill for 1924. This is the beginning of a 16-room building which will make it possible to abandon the present Tenley School Building, its annex, and its portables. Another appropriation for the additional eight rooms will be necessary before the present Tenley Building can be abandoned.

Summary: The statement of needs for this division may be summarized as follows:

Category	Rooms
For increased enrollment	16
For accumulated shortages	29
For replacements:	
Threlkeld	4
Tenley	8
Conduit Road	1
Total	13
Gross total	58
Deduct Tenley extensible building, appropriated for in 1924	8
Net total needs	50

SECOND DIVISION

Increased enrollment: It is estimated that six rooms will be needed to provide for growth during the next five years.

Accumulated shortages: Evidence of congestion is shown in the following tabulation. In a five-year building program six rooms should be provided for relief from congestion in this division.

Second division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Berret	0	0	0		0
H. D. Cooke	2	0	0		1
Dennison	0	0	0		1
Morgan	0	0	0		1
Ross	0	0	0		0
(Primary children in Wilson Normal)					
Franklin-Thomson	0	0	0		0
Total	2	0	0	1	3

Grand total, 6.

Replacement: The Berret School in this division was recommended for early abandonment in 1908.

Construction already initiated: No appropriations are now available for the improvement of conditions in this division.

Summary: The statement of the aforementioned needs for this division may be summarized as follows:

	Rooms
For increased enrollment	6
For accumulated shortages	6
For replacements, Berret	9

Net total needs 21

The Berret School is now used as a center for manual and household arts instruction, and has no resident pupils. As soon as such instruction can be given in schools where pupils are enrolled, the use of this building can be abandoned. It need not be replaced as a building.

The construction of a new building on Calvert Street in division 1 will relieve the H. D. Cooke School, where congestion is greatest in this division.

The establishment of a junior high school at the Powell Building will somewhat relieve the Cooke and Morgan Schools.

THIRD DIVISION

Increased enrollment: The outlying sections of the third division are developing rapidly. A conservative estimate justifies the provision of 20 rooms to take care of increased enrollment during a five-year period.

Accumulated shortages: Conditions in the third division that should be corrected by providing additional permanent rooms are shown in the following tabulation:

Third division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Number of rooms needed to eliminate part-time classes
Bancroft	0	0	0	0
Brightwood	0	0	0	1
Brightwood Park	4	0	2	2
Hubbard	0	0	0	1
Johnson-Powell	1	0	1	2
Petworth	10	0	0	1
Takoma	1	0	0	3
West	0	0	0	2
Woodburn	1	0	2	1
Total	17	0	5	13

Grand total, 40.

Replacements: A 16-room building should be erected in south Brightwood to relieve the West School and to replace the Brightwood School.

Replace the following school.

Brightwood, eight rooms.

Construction already initiated: Appropriations have provided for the erection of the Raymond School, Tenth Street and Spring Road. This school will relieve to some extent the Johnson, Hubbard, Park View, and Petworth Schools. The Raymond School will provide eight classrooms.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	20
For accumulated shortages	40
For replacements, Brightwood	8

Total 68

By conversion of Powell, eight rooms are lost for elementary-school purposes 8

Gross total 76

Deduct Raymond Building, appropriated for in 1924 5

Net total needs 71

FOURTH DIVISION

Increased enrollment: Occupying a central section of the city, the fourth division will have little if any increase in school population during the next five years.

Accumulated shortages: To a limited extent congestion has developed in a few of the schools of this division as shown in the tabulation below.

Fourth division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Abbot-Twining	0	0	0		1
Adams	0	0	0		1
Force	1	0	0		2
Henry-Polk	0	0	0		0
Seaton	0	0	0		0
Weightman	0	0	0		0
Total	1	0	0	1	4

Grand total, 6.

Replacements: In 1908 the investigating commission recommended the following buildings for early abandonment:

	Rooms
Force School	12
Adams School	8
Abbot School	9
Total	29

Construction already initiated: No appropriations are now available for the improvement of conditions in this division.

Summary: The statement of needs for the fourth division may be summarized as follows:

	Rooms
For increased enrollment	6
For accumulated shortages	6
For replacements:	

Force	12
Adams	8
Abbot	9

Total 29

Net total needs 35

FIFTH DIVISION

Increased enrollment: The northern portions of the fifth division are increasing rapidly in population. To meet this growth in school enrollment it is estimated that at least 10 additional rooms will be needed during the next five years.

Accumulated shortages: As shown in the following tabulation, 32 rooms should be provided for the relief of congestion in this division that now exists.

Fifth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Brookland	2	0	0		2
Burroughs	1	0	0		1
Emery	0	0	0		0
Eckington	0	0	0		0
Gage	0	0	1		0
Gales-Blake	0	0	0		1
212 H Street NW	0	3	0		0
Langdon	1	0	0		2
2014 Franklin Street NE	0	1	0		0
Monroe	0	0	0		0
Park View	5	0	4		4
Total	9	4	5	4	10

Grand total, 32.

Replacement: The Langdon School, which is a two-story frame structure, should be replaced as soon as possible with a fireproof building. Replace the following school, Langdon, 10 rooms.

Construction already initiated: The Raymond School, Tenth Street and Spring Road, now under construction, will be completed in February, 1925. This school will partially relieve the Park View School. (See Third division.)

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment.....	10
For accumulated shortages.....	32
For replacements, Langdon.....	10
Total.....	52
Deduct Raymond School to be opened February, 1925 (partial relief for Park View; see Third division).....	3
Net total needs.....	49

SIXTH DIVISION

Increased enrollment: The sixth division occupies the northeastern section of the city where the natural growth of the section should be anticipated by providing at least 10 rooms during a period of five years.

Accumulated shortages: In the following tabulation the needs of additional rooms to relieve congestion are shown. At least 33 permanent rooms are needed.

Sixth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Benning.....	1	0	0	0	0
Blair-Hayes.....	3	0	0	0	3
Blow.....	0	0	1	0	2
Carbery.....	0	0	0	0	0
Edmonds.....	0	0	0	0	0
Kenilworth.....	0	0	0	0	0
Kingsman.....	0	0	0	0	0
Ludlow.....	0	0	0	0	0
Madison.....	1	0	0	0	2
Maury.....	0	0	0	0	3
Peabody-Hilton.....	1	0	0	0	2
Taylor.....	0	0	0	0	1
Pierce-Webb.....	0	0	0	0	3
Wheatley.....	0	0	0	0	0
1201 K Street NE.....	0	6	0	0	0
646 Massachusetts Avenue NE.....	0	2	0	0	0
1340 G Street NE.....	0	2	0	0	0
Total.....	6	10	1	2	14

Replacement: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: No appropriations are available for the improvement of conditions in this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment.....	10
For accumulated shortages.....	33
For replacements.....	0
Net total needs.....	43

SEVENTH DIVISION

Increased enrollment: This division occupies the southeastern section of the city. It is estimated that the increase in school population in this division will require eight rooms during the next five years.

Accumulated shortages: Congestion in several of the schools of the seventh division is shown in the following tabulation:

Seventh division, evidences of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Brent-Dent.....	0	0	0	0	0
Bryan.....	1	0	0	0	2
Buchanan.....	0	0	0	0	0
Congress Heights.....	0	0	2	0	0
Cranch-Tyler.....	0	0	1	0	1
Ketcham-Van Buren.....	0	0	0	0	0
Lenox-French.....	1	0	0	0	1
Randle Highlands-Orr.....	0	0	0	0	0
Stanton.....	0	0	0	0	0
Van Ness.....	0	0	0	0	1
Wallach-Towers.....	0	0	0	0	0
800 East Capitol Street.....	0	5	0	0	0
Total.....	2	5	3	5	5

Grand total, 20.

Replacement: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: No appropriations are available for the improvement of conditions in this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment.....	8
For accumulated shortages.....	20
For replacement.....	0
Total.....	28
By conversion of Towers School for the use of the Hine Junior High School, less 8 rooms for elementary school purposes.....	8
Net total needs.....	36

EIGHTH DIVISION

Increased enrollment: This division includes the schools in the southwest section and the lower business portion of the city. It is not expected that there will be any increase of enrollment in these schools during the next five years.

Accumulated shortages: Additional permanent accommodations are needed in this division as shown in the tabulation below:

Eighth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Arthur.....	0	0	0	0	2
Bradley.....	0	0	0	0	0
Fairbrother.....	0	0	0	0	0
Grant.....	0	0	0	0	0
Greenleaf.....	0	0	0	0	2
Jefferson-Amidon.....	0	0	0	0	2
Smallwood-Bowen.....	0	0	0	0	0
Toner.....	0	0	0	0	1
Webster.....	0	0	0	0	0
810 Sixth Street SW.....	0	2	0	0	0
Total.....	0	2	0	3	7

Grand total, 12.

Replacement: The Jefferson School recommended for early abandonment in 1908 has been converted into a junior high school. It should be abandoned and a new junior high school building erected.

The Bradley School recommended for early abandonment in 1908 should be replaced within five years.

The Webster School recommended for early abandonment in 1908 has been partially abandoned by the construction of six additional rooms at the Thomson School. It should be completely abandoned within five years.

Construction already initiated: No appropriations are available for the improvement of conditions in the schools of this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment.....	0
For accumulated shortages.....	12
For replacements:	
Bradley.....	8
Jefferson.....	20
Total.....	28
By conversion of the Jefferson School into a junior high school, less 8 rooms for elementary school purposes.....	8
Net total needs.....	48

NINTH DIVISION

Increased enrollment: This division includes the special schools for atypical and ungraded pupils. The number of pupils in these classes increases gradually. The enrollment for three years has been as follows:

1922.....	596
1923.....	624
1924.....	690

Accumulated shortages: The increase in number of classes for atypical and ungraded pupils is not possible with the present lack of schoolhouse accommodations. Several classes are now housed in rented quarters which are not well suited for school work because of poor lighting, ventilation, and other necessary schoolhouse accommodations. Provision for eliminating the use of such rented quarters is made in the respective divisions where such rented quarters are now to be found. Likewise, the five-year program undertakes to provide permanent buildings sufficient in size and suitable in accommodations to care for these special classes for atypical and ungraded pupils in the respective divisions where such pupils are now found.

Replacements: In addition to the special classes now found in regular school buildings or in rented quarters the Hamilton School for tubercular pupils is likewise classed in Division IX. A new health school to replace the Hamilton School is now in process of construction.

The Threlkeld School, recommended for immediate abandonment in 1908, should be replaced as soon as possible. The proposed school-

house construction for the first division contemplates such abandonment.

TENTH DIVISION

Increased enrollment: It is estimated that nine rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the tenth division that should be improved in a five-year building program:

Tenth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Briggs	0	0	0		2
Bruce	1	0	0		3
Chain Bridge Road	0	0	0		0
Garrison	0	0	0		3
Cleveland	0	0	1		2
Military Road	1	0	0		0
Montgomery	0	0	0		1
Phillips	3	0	0		1
Reno	0	0	1		1
Stevens	0	0	0		4
Summer-Magruder	0	0	0		2
Wilson	2	0	0		1
Wormley	0	0	0		2
1606 M Street	0	2	0		0
Total	7	2	2	6	22

Grand total, 4.

Replacement: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: An appropriation of \$50,000 for land for the John R. Francis Junior High School, Twenty-fourth and N Streets NW., was carried in the appropriation act for 1923. This is the beginning of a 24-room junior high school building which will relieve the congestion in the graded schools in this division to the extent of 12 rooms.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	9
For accumulated shortages	39
For replacements	0
Net total needs	48

ELEVENTH DIVISION

Increased enrollment: It is estimated that 12 rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the eleventh division that should be improved in a five-year building program.

Eleventh division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Bunker Hill	0	0	0		0
Burrville	0	0	0		3
Cook	1	0	2		4
Crummell	0	0	0		2
Deanwood	0	0	0		0
Garnett-Patterson	3	0	0		2
Mott	0	0	0		4
Slater-Langston	1	0	0		4
Smothers	0	0	1		2
Total	5	0	3	6	21

Grand total, 35.

Replacements: The following schools should be replaced:

	Rooms
Cook	8
Garnett-Patterson	20
Total	28

Construction already initiated: An appropriation of \$50,000 for the purchase of land adjoining the Garnett-Patterson schools to provide for the reconstruction of this group of schools was carried in the appropriation act of 1924. The Garnett-Patterson group, 20 rooms, should be replaced by a modern structure with a combination assembly hall and gymnasium.

An appropriation of \$50,000 for land and \$100,000 for the beginning of the erection of a 16-room building, including a combination assembly hall and gymnasium, to replace the old John F. Cook School, was carried in the appropriations act of 1924. The commissioners

were granted authorization for contract not to exceed \$250,000. The appropriations act for 1925 provides for a balance of \$150,000 for the completion of this project.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	12
For accumulated shortages	33
For replacements:	
Cook School	8
Garnett-Patterson	20
	28
Gross total	75
Deduct 16 rooms at Cook already appropriated for	16
Net total needs	5

Much relief from the congestion in the eleventh division will be provided by certain readjustments not specifically mentioned under the provisions of the five-year program, as follows: The creation of a junior high school in lieu of the Garnett-Patterson Schools; the transfer of the McKinley Manual Training School for the use of the Shaw Junior High School; the transfer of the Twining Elementary School from the fourth division to this division; the enlargement of the Garrison School, which is in the tenth division; and the provision for a junior high school in the vicinity of the Deanwood School.

TWELFTH DIVISION

Increased enrollment: The enrollment in the twelfth division does not warrant the construction of additional classrooms.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the twelfth division:

Twelfth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Oversize classes	Number of rooms needed to eliminate part-time classes
Banneker	0	0	0		1
Douglas-Simmons	0	0	0		1
Jones	0	0	0		1
Harrison	0	0	0		0
Total	0	0	0	1	3

Grand total, 4.

Replacements: None of the buildings of this division have been recommended for abandonment.

Construction already initiated: No appropriations are available for the improvement of conditions in this division.

Summary: The statement of needs for the twelfth division may be summarized as follows:

	Rooms
For increased enrollment	0
For accumulated shortages	4
For replacements	0
Net total needs	4

The congestion noted will be relieved by the transfer of the Twining School from the fourth division—four rooms for the eleventh division, four rooms for the twelfth division.

THIRTEENTH DIVISION

Increased enrollment: It is estimated that nine rooms should be constructed in a five-year period for probable increased enrollment.

Accumulated shortages: The following tabulation shows conditions that exist in the schools of the thirteenth division that should be improved in the five-year building program.

Thirteenth division, evidence of congestion, November 1, 1924

School	Portables	Rented rooms	Undesirable rooms	Number of rooms needed to eliminate part-time classes
Ambush	0	0	0	0
New Bell	0	0	0	0
Birney	1	0	0	3
Bowen	0	0	0	0
Cardozo-Old Bell	0	0	1	4
Garfield	0	0	0	0
Giddings	0	0	0	1
Lincoln	0	0	1	0
Logan	0	0	0	2
Lovejoy	0	0	1	1
Payne	0	0	0	1
Syphax	2	0	0	2
730-741 Eleventh Street NE	0	3	0	0
Total	3	3	3	14

Grand total, 23.

Replacements: The following should be replaced:

	Rooms
Lincoln	12
Randall	8
Old Bell	8
Bowen	8
Total	36

Construction already initiated: No appropriations are available for the improvement of the conditions of the schools in this division.

Summary: The statement of needs for this division may be summarized as follows:

	Rooms
For increased enrollment	9
For accumulated shortages	26
For replacement:	
Lincoln	12
Randall	8
Bowen	8
Old Bell	8
Total	36
Net total needs	71

The five-year building program is the result of three years of inquiry and study of the situation in Washington by committees and by the school authorities. An exhaustive study was made as far back as 1908. At that time certain buildings were recommended for immediate abandonment, and certain buildings for early abandonment. These recommendations have not as yet been fully complied with since we have two buildings then recommended for immediate abandonment still in use, and eight buildings recommended for early abandonment still in use, and are now accommodating more than 3,000 pupils.

In 1922 a joint committee of the House and Senate went thoroughly into the existing conditions and made a report (S. Doc. No. 315, 67th Cong.). This committee had the assistance of the State commissioner of Pennsylvania, the State superintendent of schools for Virginia, the specialist on city schools connected with the United States Bureau of Education, Dr. John J. Tigert, United States Commissioner of Education, and other eminent educators.

The need of a definite policy for a school-building program was set forth in the report of the committee in the following language:

The committee recommends that a definite policy be adopted which shall provide from year to year sufficient schoolhouse accommodations, in order that it be possible for the board of education to eliminate part-time instruction, the use of portable schoolhouses, the use of undesirable school buildings now accommodating classes, and the reduction of the size of the classes in both elementary and high schools to the standard generally acceptable as desirable.

This bill was prepared with the view of accomplishing by 1930 the recommendations of the committee.

In addition to these investigations we have had studies by the school officials annually and by the District of Columbia Committees of the House and Senate of this Congress. As a result this bill is presented as a definite policy and a comprehensive building program. It has the support of the school board and of practically every civic body in the District. In fact, I know of no piece of legislation affecting the District of Columbia that has been offered at this session that has such unity of support as the five-year building program.

In fact, every phase of the subject has been investigated. The size of the buildings, their construction, and adaptability received a thorough study by the committee of 1922. The committee then said in relation to the size of the school buildings:

The committee indorses the policy of establishing large units of administration in the elementary schools. Economy of administration and educational advantages of great value will be obtained by creating school units of considerable size. The committee believes that the buildings hereafter should have at least 16 classrooms when erected, or should be so planned that their extension into large unit is easily possible.

The five-year building program follows the general recommendation as to construction. In the most part the items of construction are for such additions to present buildings as will result in buildings of 16 rooms or more. In some of the suburban sections a school building is needed, but 16 rooms are not needed at the present time. In such cases extensible buildings of four or eight rooms are called for, with the intention of enlarging the buildings when the need arises.

In like manner the recommendations of the committee are followed as to assembly halls, gymnasiums, and playgrounds. In 1906 it was recommended that gymnasiums be provided for every building of 12 rooms, but the committee of 1922 recommended gymnasiums for buildings of 16 rooms, and that is the recommen-

ation followed in the bill. Play is an indispensable part of the life of all children. Every community that undertakes to meet satisfactory demands upon it in providing for schools must provide opportunity for play and recreation and make playgrounds a part of the school program. In accordance with the recommendations and continuing the policy of the school board this bill provides for playgrounds and combined assembly halls and gymnasiums for indoor physical training when weather conditions do not permit outdoor play.

COST

The cost of the program carried by the bill is as follows:

Memorandum on costs of 5-year school-building program

Elementary schools:	
Sites for use in 5-year period	\$1,325,000
Buildings for use in 5-year period	8,000,000
Additions to school playgrounds	500,000
Total	9,825,000
Deduct for items carried in appropriations bill for 1926	445,000
Net total	9,480,000
Sites for use beyond 5-year period (not properly chargeable to cost of public schools within the 5-year period)	325,000
Junior high schools:	
Sites for use in 5-year period	775,000
Buildings for use in 5-year period	4,900,000
Total	5,675,000
Deduct for items carried in appropriations bill for 1926	300,000
Net total	5,375,000
Senior high schools:	
Sites (sites are already owned by District)	
Buildings for use in 5-year period	3,750,000
Athletic fields (no estimate can be made)	
SUMMARY	
Elementary schools, net total	9,480,000
Junior high schools, net total	5,375,000
High schools, net total	3,750,000
Grand total cost	18,605,000

Combination gymnasium-assembly halls for 16-room buildings provided in five-year school building program—plans for such buildings contemplated construction of combination gymnasium-assembly halls

School:	When made a 16-room building
John Eaton	1922-23
West	1921-22
Petworth	1921-22
Takoma	1921-22
Wheatley	1922-23
Douglass-Simmons	1916-17
Lovejoy	1923-24
Buchanan	1922-23
Total cost, \$600,000.	

Elementary-school buildings—summary of costs in five-year school building program

List of buildings which when completed in five-year program will contain 16 rooms or more	\$4,875,000
Buildings which when completed in five-year program will contain fewer than 16 rooms	2,525,000
Combination gymnasium-assembly halls	600,000
Total cost of elementary-school buildings	8,000,000

DETAIL MEMORANDUM ON FIVE-YEAR SCHOOL-BUILDING PROGRAM

ELEMENTARY SCHOOLS—LAND FOR PLAYGROUND PURPOSES (SUBSEQUENTLY FOR BUILDINGS)

School: Addison, Eaton, Jackson, Morgan, Hubbard, Johnson, Petworth, Brookland, Eckington, Benning, Ludlow, Wheatley, Carbery, Peabody, Cranch, Ketcham-Van Buren, Toner, Wormley, Montgomery, Stevens, Sumner-Magruder, Slater-Langston, Banneker, Douglass-Simmons, Jones, Payne.
Total cost, \$500,000.

ELEMENTARY SCHOOLS—SITES FOR FUTURE USE

Connecticut Avenue and Upton Streets (vicinity of).
Foxhall Road and Calvert Street (vicinity of).
Wesley Heights.
E. V. Brown School (vicinity of).
Sixteenth and Webster Streets (vicinity of).
Rhode Island Avenue and Twelfth Street (vicinity of).
North of Michigan Avenue extended (in the neighborhood of).
Total cost, \$325,000.

SITES FOR JUNIOR HIGH SCHOOLS

Georgetown, Reno, Brightwood, Brookland, Kingsman, Jefferson, Garnet-Patterson.
Total, \$775,000.

BUILDINGS FOR JUNIOR HIGH SCHOOLS

Georgetown	\$475,000
Reno	475,000
Macfarland (completion)	325,000
Brightwood	475,000
Langley (completion)	325,000
Brookland	475,000
Stuart (completion)	250,000
Kingsman	475,000
Jefferson	475,000
Francis	475,000
Cardozo	200,000
Garnet-Patterson	475,000
Total cost	4,900,000

SENIOR HIGH SCHOOLS

Sites: Sites are now owned by the District of Columbia.
Athletic fields: No estimates can be furnished, because not all land has yet been purchased.

Buildings:	
McKinley	\$2,250,000
Business	1,500,000
Total	3,750,000

Detail list of elementary school buildings which, when completed in 5-year program, will contain 16 rooms or more

School or location	Description of proposed construction	Cost	Building following proposed enlargements
Janney	8-room addition	\$125,000	16 rooms with combination gymnasium and assembly hall.
Fifth and Decatur	16-room building, gymnasium and assembly hall.	325,000	Do.
Brightwood Park	12-room addition, gymnasium and assembly hall.	260,000	Do.
Thirteenth and Montague	16-room building, gymnasium and assembly hall.	325,000	Do.
Raymond	8-room addition, gymnasium and assembly hall.	200,000	Do.
Bancroft	8-room addition	125,000	16 rooms.
Force-Adams	24-room building, gymnasium and assembly hall.	450,000	24 rooms with combination gymnasium and assembly hall.
Park View	8-room addition	150,000	24 rooms with assembly hall.
Burroughs	8-room addition, gymnasium and assembly hall.	200,000	16 rooms with combination gymnasium and assembly hall.
Langdon	16-room building, gymnasium and assembly hall.	325,000	Do.
Buchanan	4-room addition, gymnasium and assembly hall.	150,000	20 rooms with combination gymnasium and assembly hall.
Bryan	4-room addition	80,000	16 rooms with assembly hall.
Fairbrother	12-room addition, gymnasium and assembly hall.	260,000	20 rooms with combination gymnasium and assembly hall.
Bruce	8-room addition, gymnasium and assembly hall.	200,000	16 rooms with combination gymnasium and assembly hall.
Wilson	do	200,000	Do.
Phillips	do	200,000	Do.
Garrison	do	200,000	24 rooms with combination gymnasium and assembly hall.
Deanwood	do	200,000	20 rooms with combination gymnasium and assembly hall.
Giddings	16-room building, gymnasium and assembly hall.	325,000	24 rooms with combination gymnasium and assembly hall.
Birney	8-room addition	125,000	22 rooms with assembly hall.
New Bell	16-room addition, gymnasium and assembly hall.	325,000	24 rooms with combination gymnasium and assembly hall.
O Street vocational	8-room addition	125,000	16 rooms without combination gymnasium and assembly hall.

Twenty-two school buildings, total cost, \$4,875,000.

Detailed list of buildings which, when completed in five-year program, will contain fewer than 16 rooms

School or location	Description of proposed construction	Cost	Comment
Calvert Street	8-room building, gymnasium and assembly hall.	\$200,000	New extensible plant.
Grant Road	do	200,000	Do.
Potomac Heights	4-room building	80,000	Do.
Fifth and Sheridan	8-room building	140,000	Do.
Fourteenth and Ogden	8-room building, gymnasium and assembly hall.	200,000	Do.
Woodburn	4-room addition	80,000	4 rooms added to 4 rooms.

Detailed list of buildings which, when completed in five-year program, will contain fewer than 16 rooms—Continued

School or location	Description of proposed construction	Cost	Comment
Alaska Avenue and Holly Street	8-room building, gymnasium and assembly hall.	\$200,000	New extensible plant.
Abbot	8-room building	140,000	Replacement.
South Dakota and Rhode Island Avenues	8-room building, gymnasium and assembly hall.	200,000	New extensible plant.
Kenilworth	4-room addition	80,000	4 rooms added to 4 rooms.
Lenox	do	80,000	4 rooms added to 8 rooms.
Amidon	do	80,000	Do.
Military Road	do	80,000	4 rooms added to 4 rooms.
Reno	do	80,000	Do.
Smothers	do	80,000	Do.
Crummell	6-room addition	100,000	6 rooms added to 6 rooms.
Harrison	3-room addition	100,000	3 rooms added to 8 rooms.
Randall	12-room building	185,000	New extensible plant.
Lovejoy (vicinity)	8-room building	140,000	Do.
Syphax	4-room addition	80,000	4 rooms added to 8 rooms.

Twenty school buildings, total cost, \$2,325,000.

The organic act which provides for the existing organization of the school system of the District of Columbia was enacted in 1908. The period which followed witnessed throughout the country a remarkable educational development. The increase in the interest of our people in the problems of education has brought about an adjustment of the activities of our youth for the demands of our modern life. We have not kept up with the demands or the real necessities here in the city of Washington. We have fallen far short of the demands in the matter of buildings for the proper care of school activities. This bill will take care of the situation for the coming five years.

We should possess here the best schools and the best accommodations to be found in America. Schools here should be the model of the land. The American public school is the great vital agency of democracy. Give us good schools and we will preserve forever the institutions, the traditions, and the ideals of our fathers and shape and influence the destinies of mankind everywhere. The Nation demands that action be taken to that result. Let us speed the end by passing this bill. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I rise to speak for a little while about the proposed farm-relief legislation. One of the troubles that confronts the Congress is the question of what legislation is necessary or will do the most good for agriculture. On Saturday last we heard gentlemen on the Republican side of the House say that when gentlemen on the Democratic side wanted a little time to consider this legislation they were trying to obstruct legislation. The McNary-Haugen bill, which was here in the last session, came right at the close of the session, after the Committee on Agriculture had spent four or five months in studying the question, and then the bill was defeated. We have before us now a bill brought in right at the close of the Congress upon which the cooperative associations do not agree, upon which the farm leaders do not agree, and yet it is brought in here at this time of the session and we are asked to vote for it, and nobody can tell what the result of it will be. Mr. Chairman, our Republican friends are simply trying to patch up some kind of relief in order to avoid the real issue. The real question that confronts the American farmer is the high tariff which he has to pay upon the goods he buys and the high freight rates that he has to pay both ways. The American farmer pays a high freight rate upon the goods that he purchases and in return he pays an enormous freight rate upon the things that he sells. We are not confronted with a bill to relieve the farmer, but a bill that is patched up to satisfy party pledges to the farmer, and that seems to be the purpose of it all.

One of the things that would relieve the farmer more than anything else would be to extend the amount of money that can be borrowed from the Federal farm land banks in order that these farms that are being sold under foreclosure might be redeemed. Talk about relieving the farmer!

The worst thing that confronts the farmer in the Southwest—and I speak for that part of the country because I know the

conditions there—is the mortgage foreclosures going on in the courts. There are more sales of farms under foreclosure in the Southwest to-day than ever in the history of that country. Yet when you go to the Federal farm-loan banks and try to get sufficient money to meet the mortgage and the interest and the taxes you are met again with the cry of deflation; you are met again with appraisals in keeping with deflation, and you can not obtain relief. Farm values in the United States shrank \$18,000,000,000 in the so-called deflation period, and yet some of the Federal farm-loan banks that we set up with the money the Government put up, as soon as they get on their feet, are doing just like other banks; that is, looking out for themselves to make money, and not to render the assistance for which they were established.

Why do you not bring in a bill here to lower the tariffs on the things that the farmer has to buy? Why do you not bring in a bill to help lower these freight rates? You bring a report in here now to keep the surcharge of 50 per cent on Pullman rates, and the railroads have had farmers send in requests to keep that surtax on, because they are going to get a reduction in freight rates if they do. I am in receipt of a letter from a representative of the stockholders of the Pullman Co. which says that the surtax is the greatest outrage ever perpetrated on any company. What do they say? They say that the railroads are just using the Pullman Co. to pull their chestnuts out of the fire. This is a charge for which no service is rendered. The Pullman Co. does not own a mile of railroad. The Pullman Co. does not have any obligation at all except to provide a place to sleep. Every time a man lays his head down to sleep he must pay a surcharge. I venture the assertion that if it ever gets to the highest court in this country the court will hold that it is unconstitutional, because it is a charge for which no service is rendered. The railroad companies are permitted to take money for doing something which they do not do. The Pullman Co. is opposed to it. They say that if Congress does not take it off they are going to the courts to try the issue of whether you can make one company collect money for the benefit of another company. It is absurd to say that the Pullman Co. should collect this charge for the railroad company when the railroad company does not render a single bit of service for the charge. It is in the nature of a tax, and it is simply collecting taxes for private corporations. It is granting the power of the United States Government to take money from one and give it to another without service. You might just as well pass a law here giving some dairyman over here the right to have a merchant who runs a store collect a surcharge on each bottle of milk and put it in his pocket without rendering any service for it. Yet the farmers are being deluded by being made to believe that if we leave this surtax on the railroad companies would grant them lower freight rates! They have never had such a thought.

This Interstate Commerce Commission does not want Congress to lay its hands on a single thing that they do. They are all-powerful. The only service they render is rendered to the railroads and not to the people of the United States. They are supposed to be a board that stands between the people and the railroads; they were created for that purpose. What do they do? Will anybody rise and point out a single example where they have ever rendered any service to the American public in the last five years?

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?
Mr. McKEOWN. Yes.

Mr. RAYBURN. If the gentleman, as a Representative in the Congress of the United States, makes the statement that the Interstate Commerce Commission and its members are in favor of the railroads against the people, why does he not on his responsibility as a Representative of the people rise in his place and move their impeachment?

Mr. McKEOWN. Mr. Chairman, that motion would have just as much chance before the Interstate Commerce Committee of this House—

Mr. RAYBURN. But it would not go to the Interstate Commerce Committee.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman two minutes more.

Mr. McKEOWN. Mr. Chairman, I judge people by their actions, not by what they say. It is easy enough to say where you stand, but when your actions show where you are, that is the basis upon which an opinion rests. If the gentleman can name a single thing they have done in the interest of the people in the last five years I will shut up and hush up and have no

more to say to the House about it. [Applause.] I yield back the remainder of my time.

I am going to print as a part of my remarks a letter from Francis M. Case on the question of Pullman surcharges:

CHICAGO, February 21, 1925.

A large number of the stockholders of the Pullman Co. have become thoroughly disgusted with the game that has been played against that company in the guise of law in the form of a 50 per cent surcharge which has been assessed on every Pullman ticket sold during the World War as a war measure and continued under the guise of law up to the present time.

Under what stretch of the human imagination the Pullman Co. could legally be made to hold a club over the traveling public of the United States in the interest of the railroads, and act as a compulsory agent in pulling chestnuts out of the fire for the railroads in the form of a 50 per cent surcharge on every Pullman ticket sold in this country, simply to hand something to the railroads and force every man, woman, and child who is compelled to sleep in a Pullman berth at nighttime, in traveling through our States, to pay an extra 50 per cent surcharge, before they can lay their heads on a pillow to go to sleep, is little short of a crime and a holdup.

The railroads themselves consider this the greatest joke that was ever played on the public and are really ashamed to take the money that has been collected in this way.

The Pullman Co. is ashamed of this whole procedure that has been forced upon them and are determined to get rid of such high-handed methods of extracting money from the traveling public.

Certain stockholders of the Pullman Co. may, unless protected by our legislators at Washington, carry a suit to the Supreme Court of the United States against the railroads and the Interstate Commerce Commission to remove the Pullman Co. from any jurisdiction by the Interstate Commerce Commission through any powers conferred under the transportation act.

If George M. Pullman was alive to-day, he would settle this whole business in short order, for he would push this matter through the courts of our country and to the United States Supreme Court in the shortest possible time and remove the Pullman Co. from under the jurisdiction of the transportation act, and remove this surcharge from the tickets of the traveling public. The Pullman Co. places a charge for the use of berths in its sleeping cars about equal to rates charged at any first-rate hotel and it considers these rates as a fair amount that the public should be charged without any surcharge, and it does not make as much profits in offering these accommodations to the public as are made by most of our hotel companies throughout the country. The Pullman Co.'s capital stock would be a much more valuable asset if it was invested in hotel buildings and central property holdings in the large cities of our country.

Have you ever considered that the Pullman Co. does not own a single mile of railroad track or siding or right of way, nor does it own a single steam engine, nor does it propel a single car over a single mile of track during the year? The value of a railroad lies in its right of way and the Pullman Co. has no such asset, it simply operates a series of flop houses or lodging houses, which for the convenience of the traveling public are placed on wheels and are drawn along in a railroad train which saves the public valuable time which would be required to leave the train and put up at a hotel or lodging house for the night while travelling on the road.

You will clearly see that the Pullman Co. is not in the transportation business, as it simply leases these cars for lodgings to the railroads, and the railroads sell these lodgings to the patrons on their roads, you will therefore see that the Pullman Co. is not a railroad and has not the rights of a common carrier.

The Pullman Co. serves the traveling public in a way that no railroad company can afford to do. It supplies sleeping cars for the use of the railroad at all seasons of the year when required for travel—north, south, east, or west. It fills all requirements at all times, in all seasons, for all roads, and takes care of the traveling public to their satisfaction. No railroad can afford to buy or to own such equipment for the use of any one road, and if all the railroads owned and operated their sleeping cars the capital investment to the railroads would amount to five times the present capital investment of the Pullman Co. and would make sleeping berth rates prohibitive to the traveling public.

No other body of men in this country would ever put \$150,000,000 capital together to operate a sleeping-car business, as the whole business is too precarious.

Therefore let us protect what we now have, for if we drive the Pullman Co. to the wall the whole country will suffer in consequence.

If you would care to take the time to look up the names of the directors of the Pullman Co., you will find that many of them are associated in the management of the large railroad systems of the country.

The purpose of this letter is to show you the attitude of certain of the stockholders of the Pullman Co. toward the imposition of this

entirely unfair and unwarranted surcharge upon the traveling public, which not only injures the business of the Pullman Co. by cutting down the amount of travel in Pullman berths but also prevents a very large amount of travel to the railroads, as the traveling charges are too expensive and people will stay at home and do their business by catalogues, letters, and long-distance telephones, and both the Pullman and railroad equipment may lie idle.

I am going to ask the Members of the House to give this matter their very serious, immediate concentration and ask and vote to have this entire surcharge matter taken out of the hands of the House Committee on Interstate and Foreign Commerce and be brought to the floor of the House to be passed upon on the floor of the House where it belongs.

FRANCIS M. CASE.

The CHAIRMAN. The gentleman yields back one minute.

Mr. REED of West Virginia. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I shall support the bill to afford relief in reference to schools in the District of Columbia, and I shall support the measure for the regulation of traffic in the District of Columbia, and I hope those two bills will have consideration to-day. I do not want to let go unnoticed the remarks of the gentleman who has just left the floor criticizing the Committee on Agriculture and the Congress in general, and especially the Federal Farm Loan Board for their attitude toward agriculture. As I understand the gentleman, he has offered a very constructive program for the suffering farmer, and that is that the Federal Farm Loan Board modify their regulations and rules and that Congress amend the Federal farm loan act so as to lend to the actual value of the land to the farmer. I venture the assertion, and let it go in the Record, that there is not a foreclosure in the gentleman's district to-day except for the nonpayment of interest and taxes. There is not a foreclosure pending by reason of a mortgage being due if a farmer could pay the interest and taxes but what he could have it renewed. Now, I just want to submit this, that it is not constructive to suggest that the relief which the farmer needs is to increase the loan on which he can not now pay interest and pay his taxes.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. TINCHER. Yes; I always yield to my friend.

Mr. McKEOWN. It is based on the proposed prosperity to come about whereby the farmer might have a chance to pay his interest, and another thing is that the present interest rates run from 8 to 10 per cent, and they can not pay 8 and 10 per cent even under Republican prosperity.

Mr. TINCHER. I claim you can not give relief by increasing the amount of the farm mortgage being foreclosed on which the farmer now can not pay interest. So much for that. Another thing: Our constructive friend offers another suggestion to the farmer. There are three things—Pullman rates, freight rates, and passenger rates, and the too high Pullman rates. He says they are too high, and one of the constructive reliefs for the farmer which he advocates is by repealing and taking out of the treasury of the railroad companies \$37,000,000 a year.

Mr. WEFALD. Will the gentleman yield?

Mr. TINCHER. No; I have only five minutes. I claim it is just as constructive as to increase the amount that a man can borrow on his land on which he now can not pay his interest. I am in favor of reducing freight rates. I am not yet in favor of Congress becoming a rate-making body, but whenever they determine to do that I want to be here when we pass the first rate bill, and I want that rate to apply to the people who pay the freight.

The gentleman says the farmer pays it in both directions. When we start into rate making let us start in and reduce the freight rates, and not start—at least on the eve of going home—to reduce the little extra fare we will have to pay for the privilege of riding in a Pullman car home. Maybe the gentleman can go home and meet his constituents and they say, "What did you do for us in reference to railroad rates?" Would they be satisfied if he said to them, "We took \$37,000,000 off of taxes of those who ride in Pullman cars and we repealed the Hoch resolution we passed, which demanded the Interstate Commerce Commission reduce the rates on agricultural products; we repealed that law," and give that as an excuse for not reducing freight rates on agricultural products?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. CONNALLY of Texas. I agree largely with what the gentleman says about the reduction of freight rates on agricultural and other commodities.

Mr. TINCHER. I am sure the gentleman does.

Mr. CONNALLY of Texas. The gentleman is a member of the steering committee on the majority side. Can he tell us what plan the majority has in reference to meeting that very situation?

Mr. TINCHER. I am glad to enlighten the gentleman. Not only have we a plan but we have passed a resolution that commands the Interstate Commerce Commission that they reconstruct the rate structure and reduce the rates on agricultural products, and I hope the gentleman with his ability and leadership will join—

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINCHER. May I ask for five additional minutes?

Mr. REED of West Virginia. I yield five minutes to the gentleman.

Mr. TINCHER. I hope the gentleman [Mr. CONNALLY], with his ability as a leader, will help us to prevent the repeal of the Hoch resolution, which contemplates a reduction of freight rates on agricultural products.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield there?

Mr. TINCHER. Yes.

Mr. HASTINGS. What has been done with the Hoch resolution?

Mr. TINCHER. I understand that the Interstate Commerce Commission has set up a body within their own body revamping a rate structure which will carry it out.

Mr. HASTINGS. I understand they have denied that reduction.

Mr. TINCHER. Oh, the Hoch resolution was withheld by a Senator until the Agricultural Commission reported in favor of it, and has only been a law about two weeks.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CARTER. I understood the gentleman to say he would help to repeal the Hoch resolution.

Mr. TINCHER. Oh, no; to prevent the repeal of the Hoch resolution.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CONNALLY of Texas. Who is proposing now to repeal the Hoch resolution?

Mr. TINCHER. I understand there was not only a unanimous vote of the Interstate and Foreign Commerce Committee on the Republican side, but all but two men on the Democratic side voted against taking off the surcharge.

Mr. CONNALLY of Texas. What has that to do with the relief of agriculture?

Mr. TINCHER. It offers the Interstate Commerce Commission an excuse for not reducing it at all.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes, sir.

Mr. CARTER. I understand the gentleman has read the Interstate Commerce Commission's ruling?

Mr. TINCHER. Yes, sir.

Mr. CARTER. In that ruling the chairman of the commission states—and another commissioner agrees with him, who voted for the decision—that in his opinion 50 per cent of that rate ought to be repealed.

Mr. TINCHER. Oh, I concede that Pullman rates are too high, but that is not the place for this Congress to start rate legislation or rate making.

Mr. CARTER. Here are two members of the Interstate Commerce Commission who agree that that charge should be reduced 50 per cent, and, lacking one majority, they agreed that it ought to be abolished.

Mr. TINCHER. But they all agree that the agricultural rates are too high. Every member of the commission did that. Will the Congress now wedge itself in and destroy any prospect of relief from that condition by taking the income off somewhere else?

Mr. HOCH. Mr. Chairman, will my colleague yield?

Mr. TINCHER. Certainly; I yield.

Mr. HOCH. I think we ought to straighten out the matter of the commission. Seven of the commission were opposed to taking off the surcharge as provided by the Senate rider. Two of them were in favor of taking off one-half of it.

Mr. CARTER. They contended that one-half should be taken off.

Mr. HOCH. Very well. Two of the seven favored taking half of it off, but seven out of the eleven were opposed to taking it off, and only four of the commission were opposed entirely to the surcharge.

Mr. HAWES. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. HAWES. What the gentleman means when he talks about interfering with the Hoch law is this, that if this Congress takes from the revenue of the railroads \$37,000,000 now paid by only three or four out of every one hundred passengers that use a train, that will prevent the operation of the Hoch law to the extent of \$37,000,000 or \$40,000,000. Is that the gentleman's position?

Mr. TINCHER. Yes. Does my friend from Missouri agree with me on that?

Mr. HAWES. Entirely. Does the gentleman understand that the Senate has never held a hearing on the subject of this bill at any time, and that the House Committee on Interstate and Foreign Commerce has just completed a hearing, and that of the 21 members of the House committee 19 are opposed to this bill? It seems to me that the House should wait until that report is made before discussing this bill.

Mr. TINCHER. I did not start the discussion. I hope I have not provoked any discussion here to-day.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BLANTON. Mr. Chairman, this is District day. We ought to let the District have its day. I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman, I had no idea of pressing my views upon the committee until the gentleman from Kansas [Mr. TINCHER] had made his statement in regard to the Pullman surcharge.

I am heartily in sympathy with the Senate amendment to repeal the surcharge [applause] and I want to take a moment or two to tell you why.

The Interstate Commerce Commission does not present a decision saying that the surcharge ought not to be repealed. Four of them say it ought not, four of them say it ought, and two more of them say at least half of it ought to come off. I wish the gentlemen of this committee would read the whole opinion, and especially the dissenting opinion of Mr. Campbell, of the Interstate Commerce Commission. There is about \$37,000,000 involved. Mr. Campbell says, and those who concur in that opinion, that from \$17,000,000 to \$20,000,000 of that money goes to the class 1 railroads of this country; he also says that those class 1 railroads do not need the \$17,000,000.

The minority opinion also says—and it is just as much a majority opinion as it is a minority opinion, because the majority does not hold in its opinion against the repeal of these Pullman surcharges—that the other railroads of the country are not benefited by keeping the surcharge on because they get practically no benefit from it on account of the contracts which those weaker railroads have with the Pullman Co.

Now, then, gentlemen, there are 1,000,000 traveling salesmen in America who do not want to continue to pay this surcharge; there are millions of business men in America who have to pay this surcharge, and they are getting no service in return.

Gentlemen talk about the Interstate and Foreign Commerce Committee of this House making a report and holding a hearing on this proposition, but the fact is that the Interstate and Foreign Commerce Committee of this House did not think about having a hearing on this proposition until the amendment was put on in the Senate. Why have they not been having hearings on this matter for some time? Why wait until the Senate acted, 56 to 8, and then take up this proposition and have a 19 to 2 decision in order to try to defeat this proposition?

Mr. HOCH. If the gentleman will yield, I will make the statement that the Interstate and Foreign Commerce Committee of the House had set it down for a hearing before the action of the Senate.

Mr. OLDFIELD. But I ask why your committee did not hold hearings on the bill pending in your committee long before this time, and why you waited until the Senate acted and then held superficial hearings in the last week?

Mr. HOCH. The gentleman may call them superficial hearings, but he was not present.

Mr. OLDFIELD. Let me ask this question: Is it not true that there has been a bill pending before the House committee for a long time, and that it has been only within the last two or three days that your committee held superficial hearings on this proposition? I wish you had held real hearings.

Mr. HAWES. The gentleman has asked a question, and I would like to answer it. In the first place, there has never been a hearing in the Senate on this subject of any kind or at any time; in the second place, the Congress created the Interstate Commerce Commission to hear the facts, and our committee waited until that commission had reported, so that we could know what their determination would be, and within one week after that report was made we held a hearing, which the Senate has never done.

Mr. OLDFIELD. Well, why did you hold a hearing at all? Now, let me say this: I think the Interstate and Foreign Commerce Committee of this House takes the position that we ought not to legislate. Then if you take the position that we ought not to legislate on this proposition why did you have a hearing at all?

Mr. HOCH. Will the gentleman yield upon that point?

Mr. OLDFIELD. Yes.

Mr. HOCH. This surcharge was not put on a revenue bill, but it was put on by the Interstate Commerce Commission in 1920 as a part of a general rate increase.

Mr. OLDFIELD. I hope that when the House gets to the proposition it will sustain the Senate's position.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BLANTON. Mr. Chairman, I yield the remaining four minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, this unexpected discussion of the so-called Pullman surcharge was not precipitated by members of the committee which has had the matter under consideration and comes as a surprise.

I naturally assume that the conferees who had under consideration the independent offices appropriation bill, calling for an appropriation of \$452,349,000, to which was attached the so-called surcharge bill, will later procure ample time for debate.

But since immediate discussion of the subject has been precipitated, some of the facts may be stated now.

The proponent of this bill, the Order of United Commercial Travelers of America, is composed of some of the best men in America. I number many of them as warm personal friends, and they should not be criticized for trying to remove a charge which bears heavily upon them. But they have brought their case to the wrong tribunal, because if Congress answers their appeal for relief, Congress will again be called upon in other instances to give relief to other branches of passenger service or in the matter of freight rates.

The bill contemplates a reduction in Pullman surcharges now paid to railroads of an amount between \$37,000,000 and \$40,000,000 annually.

No one has attempted to determine where this sum is to come from. In some vague and indefinite way it is proposed that it be taken from the railroads.

Assume, for the sake of argument, that the railroads do not require this \$37,000,000. Shall we take the whole amount off Pullman passengers and distribute none of the decrease to the farmer, the manufacturer, and the coach passenger?

We know that it will not come out of the blue sky, nor can it be merely taken from the imagination of men; but if it is taken from the railroads, it reduces their revenue capacity \$37,000,000 annually.

Anyone understanding the transportation act must know that one of two things will happen, can not fail to happen; no other logical deduction can be made:

1. It will be added to the present cost of passenger transportation or to the present rate of freight, or it will put off—to the extent of \$37,000,000—the time when a general reduction can be made upon passenger or freight rates.

There can positively be no escape from one of these two conclusions.

No committee report from the Senate has been offered to this House, because no committee meeting was held on the subject, and until this afternoon no report was made from the House committee having the matter in charge; and the only communication upon which the House can base its observations and conclusions is the report of the Interstate Commerce Commission, which heard the matter and rejected the claim.

The Interstate and Foreign Commerce Committee is composed of 21 men, representing 21 different States.

After a hearing by a vote of 19 to 2 they have decided to report this bill adversely, and one of the primary reasons why it will be reported adversely is because it introduces into Congress for the first time the matter of rate regulation by legislative enactment.

The committee understands that every time a man has a complaint against a decision upon a passenger fare or a freight rate this will set a precedent for similar appeals to Congress every time the Commerce Commission passes upon a rate subject.

Just at this particular time the traveling salesman makes the appeal. The next time it may be the oilman, the next time the steel man, and the next time the lumberman and then the coal man, and the next time the tobacco growers, the cotton growers, the woolen mills, the paper mills. And what about the farmer? Has he not the right to make the same attempt; and the cattle

raiser? And why not those who exclusively use day coaches and do not patronize Pullmans? May they not seek a decrease in rates?

One's imagination does not have to be vivid to see how Congress will be converted into a continuous debating club as to the merits and demerits of various forms of reductions in rates.

Twenty years ago the experiment of rate making by States was attempted. It proved a failure. It involved long, tedious delays in courts, was never satisfactory; so that to-day the legislatures of the 48 States have abandoned the practice and have delegated the exercise of this power, where it can be done lawfully, to commissions appointed for that purpose.

If the States of the Union having only the problems of a single State to discuss have found this policy to be unwise and have abandoned it, how much more difficult will it be for Congress, which represents 48 States, to now attempt to exercise a discretionary, investigating, and fact-finding power which the individual States have discovered could not be done properly by a legislative body?

Some of the history preceding the introduction of this bill may be interesting. At least it should be known by Members of the House before they vote upon this measure.

On May 1, 1920, the wages of the employees of railroads were increased in one year in the amount of \$618,000,000. This was done to meet the increased cost of living and to secure a living standard which would provide for the necessities of railroad employees.

To meet this increased wage and operating cost the Interstate Commerce Commission took up the question of rates, and as a result the commission granted an increase in passenger rates of 20 per cent, an increase in freight rates ranging on the average considerably over 30 per cent, and at the same time authorized an increase in Pullman fares and for railroad service in hauling the Pullmans and parlor cars.

It will be observed that this was done by the commission.

On July 1, 1922, the commission ordered a horizontal reduction of 10 per cent in freight rates, and has made some additional reductions since.

The Order of United Commercial Travelers of America made application before the commission for a reduction in Pullman fares.

In April, 1923, an investigation was begun which included hearings and the taking of testimony at Chicago, St. Paul, San Francisco, Portland, Me., and Washington, D. C. These hearings extended over a period of 18 months, and the arguments and hearings were concluded on November 24, 1924.

These hearings developed that one cause of complaint was the roads' collection of the surcharge which was authorized by the commission in 1920.

The commission investigated both the propriety and reasonableness of the surcharge and the rates of the Pullman Co. for sleeping and parlor cars.

The Pullman Co. and the common carrier, both being under the jurisdiction of the Interstate Commerce Commission, the complaints were consolidated, and notice was given to the general public and to the different commercial bodies and regulatory bodies of the various States to be present at the hearings.

It was not until January 26, 1925, this year, that the commission rendered its finding, which was adverse to the removal of the surcharge, and the Committee on Interstate and Foreign Commerce shortly after—or, to be exact, on February 13—took up the surcharge bill.

It would seem to be unwise to have forestalled a decision by the Interstate Commerce Commission, or attempt to approve a bill which was then under consideration by that body created by Congress to perform this identical work.

The attempt of the commission to consider at the same time both the matter of the common carriers' surcharge and the Pullman Co.'s rates promising long delay, the commission decided to separate the subject and to pass upon the matter of surcharges while its decision in the matter of Pullman charges is being investigated.

But we are urged to take action on the railroad rate while the Pullman charge is still under consideration and is not brought before the House for consideration.

As I stated, the commission finally reached its decision on January 26 of this year.

In an attempt to protect its members, the Order of United Commercial Travelers of America caused bills to be introduced in both the House and the Senate for this repeal, as it will be seen, long prior to the decision by the commission, and even before it was half through with its investigation. That is to say, they made an appeal, first, to the commission and then to Congress before the commission had decided, so that when their

bills were originally introduced in Congress it would not have been in criticism of the commission, because the commission had not even made a finding.

On May 24, 1924, while the investigation was still in progress before the Interstate Commerce Commission the Senate, without holding a hearing or taking testimony, passed Senate bill 862, which was the bill discussed before your House committee, to which I will later refer.

Recently this same bill has been attached as a rider to one of our important appropriation bills, to which it is not related in any manner, and sent to the House, and will soon be submitted for determination, the House conferees unanimously refusing to concur, just as the House committee, by a vote of 19 to 2, refused to approve the Senate bill after a hearing.

In view of the absence of any hearings of any kind before the Senate, and the further fact that the matter was soon to be discussed in the House, your Committee on Interstate and Foreign Commerce devoted three days to a hearing on this subject. It was not a complete hearing; time did not permit. But at least it was the only hearing which has been held in either of our congressional branches.

There are in this whole matter certain outstanding facts which can hardly be disputed by anyone.

1. The so-called surcharge was a thing allowed by the Interstate Commerce Commission and was only approved after investigation and hearing.

The removal by Congress of this special service rate would immediately nullify the investigating, fact-finding, and discretionary powers of the commission. It would take from all the railroads revenues amounting to from \$37,000,000 to \$40,000,000 annually, which would undoubtedly require an advance of either passenger or freight rates; and if this is not done, the deduction of \$37,000,000 to \$40,000,000 annually will undoubtedly prevent for a time—and the period no man can just now tell—any reductions of either passenger or freight rates.

We must keep constantly in mind that the House but recently passed what is known as the Hoch resolution, which directed the Interstate Commerce Commission to make a general inquiry into the subject of rates, with the view of so adjusting them as to bring about a general reduction.

The passage of this bill was unfortunately delayed in the Senate and has been a law but a short period.

One matter can not be disputed by anyone: That if the \$37,000,000 or \$40,000,000 is now withdrawn by act of Congress it will retard and hamper the investigation ordered by the Hoch resolution. It will take from this fact-finding body a sum of money which possibly might be used in the reduction of rates to all classes.

No one can dispute the fact that if Congress reduces the rate upon one class of service it can, with equal propriety, be called upon to make similar changes of rates for other classes of service, and in this way Congress would ultimately be called upon to supplant the functions of the Interstate Commerce Commission.

Whether the decision of the commission in the surcharge case was wise or equitable might be debated, but it was nevertheless delivered after a long and careful investigation of a matter which clearly came under the jurisdiction of the commission, being originally brought to its consideration by the Order of United Commercial Travelers.

Certainly, with no hearings in the Senate and only a limited hearing before the House committee, the House is in no position to pass upon a question which required a commission 18 months of time and nearly 3,000 pages of testimony to complete an investigation.

The machinery of Congress is not adequate for the purpose of making rates. It early recognized this fact and created the Interstate Commerce Commission, composed of 11 men, which has under its jurisdiction 1,400 employees, among whom may be found some of the best-trained experts in America. The commission can extend its hearings throughout the year. It would not be humanly possible for Congress to pass upon all the disputed or contested opinions of this commission.

I do not desire to enter upon an appeal made to class prejudice, but the facts are undisputed that out of every 100 railroad passengers only 4 use the Pullman service, and obviously these 4 out of each 100 belong to that class of our citizens who are best able to pay for it.

Personally I sympathize very strongly with the members of the United Commercial Travelers of America in their desire to reduce the cost of sleeping-car accommodations, just as I do with the farmer who finds that freight rates are destroying his profits, or the manufacturer who finds that freight rates are injuring his sales, or the commuter or the passenger upon day coaches who believes he is paying an excessive rate. But

I can not bring myself to believe that one class should be picked out and be given preference over other classes.

But even this is not a subject for Congress to determine, and certainly not upon a partial and incomplete hearing.

We should not be driven from our position of 37 years for a special case. If we make a change, it should be a broad change covering everything, because Congress can not go into the rate-making business in one matter and refuse to go into it in other matters.

If we are going to take up the question of rates, let us be frank about it and go into the whole subject.

No part of the rate or revenue of a railroad can be properly considered except in its relation to the whole rate structure as affected by ton-mile freight costs or passenger-mile passenger costs.

It can not be separated from the matter of investments, operating expenses, maintenance cost, revenues, traffic volume, and countless other factors which Congress has not and could not have the time to investigate.

Since my preliminary remarks on this subject the House committee has made its report, and I take the liberty of submitting it at this time because no report has been made by the Senate.

The report is adverse to the passage of the bill and obviously to the rough rider on the appropriation bill:

REPORT OF INTERSTATE AND FOREIGN COMMERCE COMMITTEE FEBRUARY 23, 1925

The committee bases this adverse report on the following considerations:

1. This bill would initiate direct rate-making by Congress—a serious and unwise departure from long established policy (1887).

2. This precedent would open the doors for every interest dissatisfied with any existing rate to ask Congress to take on the commission's statutory duty as to rate making.

3. The removal of the surcharge would—

(a) Reduce service rates for those best able to pay.

(b) Result in raising other passenger and freight rates, or

(c) Postpone reductions in general passenger rates, or

(d) Postpone general reductions in freight rates on agriculture produce (including livestock) and other articles,

(e) Interfere with and retard the general survey and adjustment where possible, of freight rates as directed by the HOCH-SMITH resolution recently enacted.

FINANCIAL CONSIDERATIONS

(a) Testimony (not disputed) showed revenue to railroads from surcharge for 1923 (the last complete yearly accounting available) was about \$37,000,000.

(b) Assuming that carriers can stand a revenue reduction of \$37,000,000 there is no reason why the entire reduction should be made for the benefit of Pullman travelers.

(c) If a cut in revenue of \$37,000,000 can not fairly be made, and, nevertheless, the removal of the surcharge as such is desirable, other sources of income must be determined. No suggestion was made as to what rates should be increased in lieu of surcharge returns.

(d) About \$18,000,000 of the \$37,000,000 goes to railroads earning a total of less than 5 per cent on their book value investment.

(e) A large part of the \$19,089,564 which accrues from surcharge to railroads earning 5 per cent or more goes to carriers which would earn less than 5 per cent if the surcharge were removed.

(f) Only \$8,627,000 goes to railroads earning over 6 per cent.

(g) The earnings of certain important railroads earning less than 5 per cent would be depleted to an embarrassing extent if their surcharge incomes were taken away.

Only 4 persons out of every 100 buying railroad passenger transportation ride in Pullmans, and consequently 4 per cent pay all the surcharge.

No proponents appeared nor requested to be heard at the hearings except those representing organizations of commercial travelers.

Correspondence on file with the committee discloses but few communications from travelers for pleasure, tourists' organizations, associations or organizations fostering agriculture, manufacturing, or labor.

Of this correspondence there are several communications from employers of traveling salesmen in favor of the bill; but there is a far greater representation from such employers who are opposed to the removal of the surcharge.

In view of the all-around seriousness of the proposal to remove the surcharge and the inevitable rate-making complications involved, the real responsibility for proving that the existing rate-making methods and the rates themselves are ill-advised is a clear obligation of those favoring the bill. We believe that the proponents have not proven their contention.

The existing surcharge was established by the Interstate Commerce Commission in 1920, concurrently with and as a part of, a general rate-schedule revision, including advanced passenger and freight rates, for the purpose of insuring necessary operating revenue to the railroads.

All surcharge receipts go to the railroads and none to the Pullman Co.

The bill purports to provide for the removal of the surcharge, but under its provisions it would also prohibit the levying of other railroad transportation charges, though just and reasonable, upon those desiring special accommodations and extra service in a Pullman sleeping or parlor car.

As of December 26, 1924, Mr. Elmore, statistical analyst of the Interstate Commerce Commission, reported on the Pullman surcharge to the commission.

The proponents of this bill referred to this report as proving their contention that a Pullman car could be operated by a railroad less expensively than a coach. This was only a partial finding.

In his conclusions covering all items entering into the cost of such operation Mr. Elmore stated in his report that the cost to the railroad for operating per car-mile on a daily trip of 112 miles for the coach was 44.81 cents and for the Pullman 49.37 cents; on a daily trip of 272 miles for the coach was 36.50 cents and for the Pullman 41.00 cents.

Mr. Elmore further reported in respect of the last figures as follows: "The figures in these tables indicate that when car-mile costs, which embrace both line haul and terminal expense, are equal for the same length of haul, the cost per car-mile of the Pullman is approximately 4.56 cents greater than that of the coach."

Let Members consider what a favorable vote for the Senate rider would mean—

1. It would put Congress in the business of making railroad rates.

2. It would pick out one particular class, whose interests would be advanced above all others.

3. It would prevent proper consideration of the directory Hoch resolution; and

4. It would precipitate endless trouble, countless investigations, long court proceedings, and judicial reviews, which would not expedite the general plan of reducing passenger and freight rates, but would, on the contrary, retard this general reduction.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk completed the reading of the bill.

Mr. REED of West Virginia. Mr. Chairman, I move that the committee do now rise.

Mr. WINGO. Before the gentleman does that, will the gentleman yield a moment?

Mr. REED of West Virginia. I yield to the gentleman.

Mr. WINGO. I had intended to offer an amendment on page 7, but my attention was diverted until after it was passed. I would like to have unanimous consent to revert to page 7 for the purpose of offering an amendment, in line 4, to strike out the words "the Force and."

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. BLANTON. If the gentleman knew that his amendment will endanger final agreement on this bill by the Senate, and would probably keep this bill from becoming a law at this session, would the gentleman insist on it?

Mr. WINGO. I think I would, because I am in favor of enlarging the schools of the District and not contracting them.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to page 7 of the bill for the purpose of offering an amendment in line 4. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I want to state that there are one or two little objections I have to the bill, and I would have offered certain amendments, but I have pretty definite information that unless this bill passes the House to-day unamended it can not become a law at this session. If we amend the bill in any particular and it has to go back to the Senate it will likely fail of passage and not become a law. I am informed by those who know the facts that this is a most important bill; that without it the educational facilities of the District are crippled. But I do not feel like objecting to any Member offering amendments, and I will leave it to the good judgment of my friend, the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I offer an amendment on page 7, line 4, to strike out the words "the Force and."

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 7, line 4, strike out the words "the Force and."

Mr. WINGO. Mr. Chairman, the effect of the amendment if adopted would be to replace the Adams School with a 24-

room school building instead of replacing both the Force and the Adams Schools. If you leave the language as now in the bill, you will have a contraction of school facilities in that part of the city instead of an enlargement of them.

There is just one reason why Force is included. It is purely a real-estate proposition. It is a proposition to drive the Force School, the most historic public school in the city, off of Massachusetts Avenue. I know something about Force School. I have been in it for 12 years and have had a personal interest in it. My two children have gone through it. I have no personal interest in maintaining it now, but it is a good, first-class building and can be put in proper shape with a reasonable appropriation. It can be enlarged with a reasonable appropriation. It is an ideal location and one that needs school facilities now worse than it did when the school building was put there, and yet it is proposed to destroy this historic building to please certain real-estate interests and rob the children of that vicinity of school facilities.

My objection to it is, first, one of sentiment, it is true; not the sentiment of myself, because that is not the proposition at all. It is one of the most historic public schools in the city. There are more officers of the United States Army and Navy, there are more men in public life to-day, who passed through old Force School than any other similar school in America. It is in a proper place for a school and is a good building. It simply needs certain repairs and alterations.

In addition, instead of this territory having no longer any need for a school, it is a more congested neighborhood than ever. Adams School is an old building that ought to be replaced by a modern 24-room building, and if my amendment is adopted that is what will take place.

I anticipate the committee will vote down my amendment for the reason that the gentleman from Texas [Mr. BLANTON] has suggested, but I am making the fight because this will not be the last of it. I suspect the chairman is wise to advocate voting down my amendment, but I want to make the record. I had intended to offer this amendment, but I realize the importance of the bill and I do not want to hold it up. I want it to go through because I believe in a five-year building program for the schools of the District of Columbia. But, gentlemen, if this scheme to destroy Force School is persisted in by those in authority, I think I know something about their motives, and I shall fight them to the finish and hold up, by every parliamentary method I can, everything that that group wants in this House as long as I remain a Member of this House.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. SEARS of Florida. If the Senate is sincere and if the House is sincere, why could not the conferees in five minutes get together on the gentleman's amendment and agree to it?

Mr. WINGO. They could, but I am afraid they would not. It is more important we adopt this program than to adopt the proposed amendment, because this simply authorizes the purchase of the site and they will have to have a site to replace Adams School anyway. I appreciate the suggestion of the gentleman, and my object in offering the amendment was to get my objection in the Record.

I am going to withdraw my amendment now so as not to jeopardize the building program, but I am going to put certain gentlemen on notice that there will be something more than a parliamentary fight on this and other matters in which they are interested in if they persist in this scheme to destroy Force School.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to withdraw his amendment. Is there objection?

Mr. LINTHICUM. I object.

Mr. BLANTON. The gentleman from Arkansas is broad-minded enough to ask the committee to vote down his amendment in the interest of the bill. I commend him for it. If we should adopt his amendment it means the killing of the bill. If this bill should go back to the Senate it is as dead as Hector. It can not be passed. I will state this to the gentleman from Florida and the gentleman from Arkansas, if there is any way to get this back in the bill it will be put there.

Mr. WINGO. But I understand this bill is not going to conference.

Mr. BLANTON. I say if there had been a conference, but there is no chance of a conference, and no chance of passing the bill if we amend it. I hope the committee will vote down the amendment.

Mr. LINTHICUM. Mr. Chairman, I withdraw my objection to the request of the gentleman to withdraw his amendment. I misunderstood it.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas to withdraw his amendment?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3765, and had directed him to report the same back with the recommendation that the bill do pass.

Mr. REED of West Virginia. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. REED of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an address delivered by Senator WILLIS of the State Legislature of West Virginia on last Saturday concerning the development of natural resources and the advantages of vegetation in West Virginia.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. LONGWORTH. Mr. Speaker, I regret that I must object.

RESTORATION TO THE JUVENILE COURT TO HEAR AND DETERMINE NONSUPPORT CASES

Mr. REED of West Virginia. Mr. Speaker, I call up the bill (H. R. 12331) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife, or his or her minor children, in destitute or necessitous circumstances," approved March 23, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, be, and is hereby, amended so as to strike out the words "hard labor" wherever they shall appear in the act.

Sec. 2. Section 3 of the above-mentioned act be, and is hereby, amended as follows: Strike out the words "for each day's hard labor performed by such persons" and substitute therefor "for each day of the sentence served by such person."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. REED of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF TRAFFIC IN THE DISTRICT OF COLUMBIA

Mr. REED of West Virginia. Mr. Speaker, I call up the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes. And pending that motion I would like to see if we can make some arrangement as to the division of time.

Mr. BLANTON. I have had several requests for time. I would say that there are some vital amendments to this bill that must be made if we are to have a good traffic bill, and we ought to have liberal debate. I suggest an hour and a half on a side.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Texas and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the time for general debate be limited to one hour, one-half to be controlled by the gentleman from Texas and one-half by himself. Is there objection?

There was no objection.

The motion of Mr. ZIHLMAN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by title.

The Clerk read the title of the bill, as follows:

A bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized for 30 minutes.

Mr. BLANTON. Oh, no, Mr. Chairman; the time was one hour on a side.

Mr. ZIHLMAN. The time was 30 minutes on a side, 1 hour.

Mr. BLANTON. I hope that the gentleman will not do anything unfair.

Mr. BEEDY. The gentleman from Maryland made the request for 30 minutes on a side.

Mr. BLANTON. I understood him to say one hour on a side.

Mr. ZIHLMAN. I will say that I have no desire to take any advantage of the gentleman. I rose and asked the gentleman from Texas if he would agree on a division of time. The gentleman suggested 3 hours, and, thinking he was facetious, I requested that general debate be limited to 1 hour, 30 minutes to be controlled by the gentleman from Texas and 30 minutes by myself.

Mr. BLANTON. I did not understand the gentleman; I understood it to be an hour on a side. The rule gives us an hour on a side. I was not going to be obstreperous. I was not going to filibuster against this.

Mr. ZIHLMAN. Mr. Chairman, I am willing to allow the gentleman 15 minutes of my time, so that he can have 45 minutes of the hour.

Mr. BLANTON. That is satisfactory.

Mr. ZIHLMAN. In view of the fact that the chairman of the subcommittee is not here at the present time, I ask the gentleman from Texas to use some of his time now.

Mr. BLANTON. Let the gentleman yield me 15 minutes of his time now.

Mr. ZIHLMAN. I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentleman of the committee, with the general principles of this bill I am in hearty accord. There should be a proper traffic bill passed to-day. Every member of our committee wants to get a good traffic bill passed to-day. No one objects to it. There was a joint meeting of the House and Senate committees to frame a traffic bill. We had before us some of the best traffic experts in the United States, who testified. The traffic expert of New York City came down here at his own expense and voluntarily gave us the benefit of his knowledge and information concerning this question. The Senate and House joint committee determined absolutely upon three fundamentals. They determined that when a motorist causes a collision and serious accident and then runs off and leaves his victim without leaving his name and address there ought to be a jail penalty attached to his punishment in addition to the fine. I am sure all of you would agree with me on that.

Mr. MACLAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MACLAFFERTY. There is something to be said upon the other side, and on that I want to ask the gentleman's opinion. I know of a case, and there have been such cases, where as a result of an automobile collision a man stopped to render aid and was murdered by the people in the other car. I have known several cases where people who did that were badly beaten up. I am not opposed to this.

Mr. BLANTON. Let me say this, because the gentleman is going to leave us in a few days: I consider it an honor to have served with the gentleman from California [Mr. MACLAFFERTY]. He is one of the most lovable men personally that I have ever met. I regret exceedingly that he is going to leave us, and I think it has been a pleasure to the whole House to have him here. I think his people made a great mistake when they did not send him back, and I think they ought to send him back some other day [applause]; but if he were to run over somebody, he would stop his car and go back, would he not?

Mr. MACLAFFERTY. I would.

Mr. BLANTON. I know him well enough to know that in his heart he could not run off and leave somebody suffering whom he has run over without finding out the extent of the injury.

Mr. MACLAFFERTY. Let me say that I have done that very thing.

Mr. BLANTON. The gentleman means that he has gone back?

Mr. MACLAFFERTY. Yes; but I have known cases such as I have already mentioned, and I have never heard any one mention the other side of this question. I wanted to bring it to the attention of the gentleman. There are cases where it is dangerous for a man to stop where he has been in an accident, because if there happens to be a rough crew in the other car they may treat the man very severely.

Mr. BLANTON. Yet the gentleman would not give him a chromo?

Mr. MACLAFFERTY. No; the gentleman mistakes my idea entirely, but there are two sides to every board.

Mr. BLANTON. I am in favor of providing a jail penalty when the man does not go back and find out what he has done and leave his name and address. Then another thing. When a man goes out and tanks up with a lot of bad liquor and runs over a little child or causes an injury to somebody else, he ought to be subjected to a jail penalty, because a man has no business driving an automobile when he is drunk.

Mr. STEVENSON. Does the gentleman not think it would be a very good idea to make it a jail penalty to drive a car when a man is drunk anyway, whether he runs over anybody or not?

Mr. BLANTON. Yes; our committee agreed on that. Then we agreed on another thing, that wherever an automobile uses a smoke screen or runs up on a street car that is stopping to take on passengers, runs completely by that car, and does not come to a complete stop, there ought to be some punishment besides a fine. There ought to be a jail penalty. We agreed on that. I hope gentlemen here will help us write all of those provisions in this bill. After we had worked for weeks on this bill, Members of another body, who had not been to any of the hearings and knew nothing about them, rewrote the bill to suit themselves and then had the Senate pass it.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. Suppose we amend the bill, will the Senate agree to the amendment?

Mr. BLANTON. If they do not, then the burden rests upon them and not upon us. We will have done our duty. Let them answer to their constituents throughout the United States for their failure to do their duty.

Mr. WINGO. This bill even as we have it to-day represents an improvement, does it not?

Mr. BLANTON. Very little over the present law.

Mr. WINGO. Is anything wrong in it?

Mr. BLANTON. Well, for instance, it allows a fellow to run 30 miles an hour instead of 18, which is the present limit.

Mr. WINGO. Are they not running 30 miles an hour now?

Mr. BLANTON. The present law is 18 and this bill makes it 30.

Mr. WINGO. Are we going to get anywhere by killing the little good that we can get?

Mr. BLANTON. Let me say this to the gentleman from Arkansas—

Mr. WINGO. I am about this bill as the gentleman was about the school bill. I am giving the gentleman a dose of his own medicine. I was gracious and yielded to his importunities and I want him to be as good to me.

Mr. BLANTON. Mr. Chairman, I have just as much sentiment about the Force School as the gentleman from Arkansas has. Two of my children went to the Force School and they consider it an honor to have gone there—not particularly because 17 admirals have graduated from there, not particularly because the Roosevelt children went there, not particularly because other prominent children attended there, including those of my friend from Arkansas, but because it is a good school, there is a good faculty there; but there was not anything vicious about the school bill, while there is something vicious about the traffic bill.

There is an impounding provision in this bill that permits this sort of transaction to occur: You let a young girl clerk who comes from your State, West Virginia, maybe, Mr. ALLEN, and she is here working in a department. She has not any friends here—that is, to look after her business affairs. She has a little Ford car, and rides to work in it. She rides down on the street and parks her little Ford, and in her absence

some policeman comes along and thinks she is parking in the wrong place, and he takes charge of that Ford car and takes it off somewhere so she can not find it and he impounds it, and that poor girl has to go around the city looking up her car, and maybe never finds it. I am against this impounding section, and hope it will be stricken out.

Mr. ALLEN. Does the bill provide that where a person is driving a car under the influence of intoxicating liquor that their license shall be revoked?

Mr. BLANTON. It makes that a cause. It permits the revocation of licenses for cause, but it does not require it be done. It merely permits it to be done and—

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. I want first to answer the gentleman from West Virginia. I want to say this to the gentleman from West Virginia [Mr. ALLEN]: Ever since the Sixty-eighth Congress convened I have sat by him here day after day and hour after hour, whether it was a day session or a night session, he has been here continually in that seat where he is now. I want my colleagues here and the people in the country to know that he has never yet missed a roll call, not one, and his people in West Virginia did not have enough sense to send him back here.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLANTON. People ought to take the time to find out something about the service of their Congressmen here, and when he gives such service as the gentleman from West Virginia has given here they ought to send him back. I will yield.

Mr. LINTHICUM. I notice by section 42 that it creates four judges of the police court. Are those four judges to try traffic cases or all kinds of police court cases?

Mr. BLANTON. All sorts of cases.

Mr. LINTHICUM. Are any established other than for traffic court cases?

Mr. BLANTON. Two judges exist already. We create two new ones.

Mr. LINTHICUM. The other two are intended to try traffic cases?

Mr. BLANTON. No; all kinds of cases. I want to say this in answer to the gentleman from Maryland, that this joint committee—and I want to commend the distinguished Senator who sat at the head of the table, the chairman of the joint committee on the traffic bill, for his good work—I want to say that they decided that these judges ought to have two shifts and there ought to be a night court.

Mr. LINTHICUM. May I ask the gentleman another question?

Mr. BLANTON. And when we get through with this bill this evening I want my colleagues to help keep that provision in this bill, so that they will have to have a night court down there.

Mr. LINTHICUM. What I am trying to get is whether those two judges are especially to try traffic cases or other cases?

Mr. BLANTON. They will try everything, including traffic cases.

Mr. HUDSON. Does this provide that one judge as a presiding judge is selected?

Mr. BLANTON. No; they sit as separate judges; four courts going on.

Mr. HUDSON. There is no authority designating who shall preside over traffic cases?

Mr. BLANTON. No; all will have traffic cases unless they designate one.

Mr. HUDSON. Would it not be an improvement on present conditions if they should have one designated as presiding judge to designate what judge—

Mr. BLANTON. He might run out of business with traffic cases only.

Mr. HUDSON. Oh, no.

Mr. BLANTON. If he begins to give a jail sentence, if he begins to put people in jail, he would stop the violation of traffic rules in Washington in very short order.

Mr. REED of West Virginia. Does not my colleague make a mistake about this bill cutting out the provision of sessions at night court?

Mr. BLANTON. I did not say so. I said there might be a movement on foot to try to get it out of the bill.

Mr. REED of West Virginia. It is in the bill.

Mr. BLANTON. Thus far; but the bill has not passed yet.

Mr. REED of West Virginia. The bill as we have it now has that provision in it, and the most objectionable features have been eliminated by the hard work of the committee and the gentleman's assistance.

Mr. BLANTON. Oh, this Senate bill which we are considering needs amending. The gentleman took up the Senate bill, and it is not as good a bill as the House bill. The Senate bill was not written by the men who wrote and introduced the first Senate bill and the first House bill. There was a little friction over there and it was rewritten.

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. RATHBONE. I want to ask the gentleman—

Mr. BLANTON. How much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining of the time yielded him by the gentleman from West Virginia, and 30 minutes to which the gentleman is entitled in his own right.

Mr. RATHBONE. In order to get this matter clearly before the House—and I know the disposition of the gentleman is to be perfectly fair—will you not agree upon some of the good features of this bill which constitute a distinct step forward?

Mr. BLANTON. I have already done that.

Mr. RATHBONE. I did not hear all of the gentleman's address.

Mr. BLANTON. I want the gentleman to get his own time and speak in his own time and not use mine.

Mr. RATHBONE. I would like to get the gentleman's views.

Mr. BLANTON. The gentleman knows my views, because he and I have sat across the same table and agreed on many fundamentals.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I yield myself five minutes more.

Mr. SEARS of Florida. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SEARS of Florida. The gentleman objected to amending the other Senate bill because, as he said, if we dot an "i" or cross a "t" we must go to conference and then come back. Why get so excited about this bill?

Mr. BLANTON. I am not excited. I am speaking very calmly.

Mr. SEARS of Florida. This is a House bill, and if the other statement is correct we know the Senate will never pass such a bill.

Mr. BLANTON. This is a bill that affects the little children of Senators. Some of the little children in Washington are children of Senators. They go up and down the streets of Washington. There is as much chance of running over a Senator's child as there is of running over some other little child, and I am going on the assumption that this traffic bill is one that Senators are going to see passed before we adjourn. They are not going to take chances on their children being run over here and killed for the next eight months.

Mr. SEARS of Florida. Then, it is true that the Senate can act?

Mr. BLANTON. Yes; it can always act.

Mr. SEARS of Florida. And the Senate can pass the river and harbor bill?

Mr. BLANTON. Yes; but I am not talking about the river and harbor bill, and I am not going to allow the silk-stocking Member from Florida to divert me from this discussion. [Laughter.]

Mr. LINTHICUM. The gentleman wants to pass this bill if it takes all night?

Mr. BLANTON. If it takes until 11 o'clock to-night.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RAKER. Under section 13, subdivisions (a) and (b)—

Mr. BLANTON. Is the gentleman not in favor of amending it?

Mr. RAKER. Is it the gentleman's opinion that there will be a designated place for impounding, and that a place will be indicated where the cars can be found?

Mr. BLANTON. They have got no business impounding machines. If a machine is parked overtime or in the wrong place, let them put a police tag on it and require them to come down and report. That is the way to handle them.

Mr. RAKER. Is it the gentleman's view that in the case of taking a machine where it is parked under the regulations, if they destroy the machine in taking it to the pound the owner would have any relief?

Mr. BLANTON. Yes. He could collect damages from the city. I am trying to save that condition.

Now, Mr. Chairman, while I am on the floor I want to call attention to a very important matter that has no connection with this bill. I want to get it before the taxpayers of the United States.

You can not get it before them through some of the newspapers, because the press carries only just such items as they desire to carry. I do not blame them. Probably if I were in the same business I would do as they do. But there are 44,000 copies of this CONGRESSIONAL RECORD that are printed that go out to constituents in every State every day, and are read by them, and therefore I am taking advantage of this situation to get this matter before the taxpayers of the country. The CONGRESSIONAL RECORD is a medium of communication with the people.

FRENCH LOANS

I refer to the program that is on foot now by the Republic of France to float on the money markets of New York next week, if possible, or this week if they can, a \$200,000,000 bond issue. I introduced this resolution in the House of Representatives.

The CHAIRMAN. The time allotted to himself by the gentleman from Texas has expired.

Mr. BLANTON. I yield myself five minutes.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. In just a minute.

I refer to House Joint Resolution 361, which, on February 19, 1925, I introduced in this House of Representatives. I want to read it:

Joint resolution (H. J. Res. 361) to prohibit the Federal Reserve Board, its member banks, and all other governmental banking institutions from discounting any obligation or, directly or indirectly, handling any banking transaction for, and from receiving, handling, or discounting any money, credits, or securities, of or for any nation, or the nationals thereof, that has defaulted in obligations due the Government of the United States and failed and refused to fund such obligations in violation of their understanding had with this Government at the time it advanced such loans; and to discourage American citizens and private banking institutions from rendering such banking facilities

Whereas all Americans, rich and poor alike, loyally submitted to increased taxation and generously subscribed to Liberty bonds to furnish finances loaned during the war by the Government of the United States to foreign countries; and besides mobilizing, training, arming, and equipping over 4,000,000 soldiers, and sending large armies and supplies abroad at our own expense, every loyal American made personal sacrifices, in many instances borrowing the money at high rates of interest to pay for bonds, to the end that sorely needed succor could be sent abroad; and

Whereas since the successful termination of the war certain foreign nations mostly benefited thereby have forgotten, disregarded, and ignored their obligations to this Government, and have failed and refused to fund same as agreed upon to this Government: Now, therefore, be it

Resolved, etc., That when the President of the United States ascertains that any nation has made default in the payment of money obligations to the United States Government, and has failed and refused to fund same in accordance with its understanding had with this Government or upon terms satisfactory to this Government, he shall certify such fact to the Federal Reserve Board, and thereafter it shall be unlawful for said Federal Reserve Board, its member banks, or any other governmental banking institution of the United States, to discount any obligation, or directly or indirectly to handle any banking transaction for, or to receive, handle, or discount any money, credits, or securities, of or for any such foreign nation, or the nationals thereof; and it shall be the duty of the President of the United States and said Federal Reserve Board, in such case, to discourage all American citizens and private banking institutions in the United States from rendering such banking facilities.

During the reading of the resolution the following occurred:

Mr. LINEBERGER. Mr. Chairman, I make the point of order that the gentleman is not discussing the subject matter of the bill under consideration.

Mr. BLANTON. I am sorry the gentleman from California is not familiar with the rules of the House. This is District day, and we are now in general debate. And the point of order is not well taken.

The CHAIRMAN. The Chair will state that this is general debate, not subject to the ordinary rule, and overrules the point of order.

Mr. LINEBERGER. I am sorry that is so.

Mr. BLANTON. I am sorry, too, for the gentleman. I read the resolution, however, hoping to benefit the people of our country.

Mr. STENGLE. Mr. Chairman, will the gentleman yield now?

Mr. BLANTON. If it is on this subject, yes.

Mr. STENGLE. Oh, no; it is not.

Mr. BLANTON. I want to finish this subject first.

Mr. Chairman, I was present in this House, on this floor, when we entertained the French High Commission during 1917. I heard the speech of Mr. Viviani and the felicitations of Marshal Joffre of France. I know what transpired then between their Government and our Government, through them, and I know what this Government did for France.

The CHAIRMAN. The time fixed by the gentleman has again expired.

Mr. BLANTON. I yield myself two minutes more.

I know, I repeat, what this Government did for France and her citizens. They say they can not pay, and we do not expect them to now, but they can at least fund their debt. They should come in and say, "We can not pay it now, but we will pay it; we are willing to fund." We will give them terms such as we gave other nations. The people of this country bought Liberty bonds until it hurt in order to send that money abroad.

The people in my district made sacrifices until it hurt, and they expect France some day to pay that money back. They want me, as their Representative, to raise my humble voice against the financiers of this country floating any \$200,000,000 Liberty bond issue for France until she comes in here and shows an honest disposition to settle her debt.

Mr. LINTHICUM. They did not even mention it in their budget, did they?

Mr. BLANTON. No; they did not. But let me get back to a discussion of this traffic bill.

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. Yes; but I will say to the gentleman that I intend to yield him some time.

Mr. HAMMER. I do not care to make a speech, but I want to get some information from the gentleman, because I believe he knows more about this bill than anybody else. For a violation of this act there can be a revocation of these permits. Does not the gentleman think there ought to be a right to appeal from the decision of the director of traffic?

Mr. BLANTON. I do not think there ought to be any appeal, because then you would have to have 25 additional judges to hear the appeals.

Mr. HAMMER. There would not be many appeals, but in my opinion there is too much power given him.

The CHAIRMAN. The gentleman from Texas has consumed the two additional minutes he allotted to himself.

Mr. BLANTON. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 18 minutes remaining.

Mr. BLANTON. I yield myself three additional minutes and will reserve the remainder of the time to yield to others.

Mr. HAMMER. The gentleman spoke about his solicitude for the young girls. I see that power is given to the director to give permits to those who now have the right to operate cars without an examination, but that power is entirely with him. It strikes me it would be well to limit that power, and then if it is abused some advantage could be taken of it in some other way. Then another objection which I find to this bill is this—

Mr. BLANTON. The gentleman may offer amendments under the five-minute rule.

Mr. HAMMER. But I want to get the information before the House and the gentleman's own views about the bill. Permits are granted to operators for one year only, when there must be a renewal. The bill does not say how the renewal is to be made, but I take it to mean that the renewal will be granted upon an examination.

Mr. BLANTON. I am in favor of changing that clause, as my colleague knows, so as to make these operators' permits good as long as the operators stay here after they are once issued or until they are revoked. I do not think the operators ought to be required to renew them once a year.

Mr. HAMMER. The bill provides that these operators' permits shall be renewed without examination unless there is a written complaint filed by some one. If these renewals are to be made upon an examination, it will mean a long line of 75,000 people standing there for two or three days. What would the gentleman think of requiring that on the part of the girl clerks the gentleman has been speaking about?

Mr. BLANTON. I am going to move to change that by an amendment.

Mr. STEVENSON. Let me call the gentleman's attention to the fact that the provision he speaks of is already in the bill.

Except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the director.

Mr. BLANTON. But the bill requires the permits to be renewed every year at a charge of \$1, and that ought to be changed.

Mr. STENGLE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STENGLE. On page 7 of this bill you impose a considerable amount of power and authority upon a director of traffic, but in section 5 you do not make any requirements as to the qualifications necessary to be a traffic director. Does not the gentleman think such qualifications ought to be stated in the law?

Mr. BLANTON. I think so; and I am insisting that an inspector of police should not be designated to act as director of traffic.

Mr. STENGLE. Ought we not in this section to describe what his qualification should be?

Mr. BLANTON. I think so.

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. I would like to ask the gentleman, because I believe the gentleman from Texas is perhaps the best-posted man on this bill in the House—

Mr. BLANTON. I doubt that, for several of my colleagues have worked hard on it.

Mr. KING. I want to know whether there is any particular protection in this bill for the pedestrian, which has not been the case under other laws. The reason I ask the gentleman that is because—

The CHAIRMAN. The gentleman from Texas has consumed the time allotted to himself.

Mr. BLANTON. Mr. Chairman, if there is no request for time, I will take five minutes more.

Mr. KING. Now, if the gentleman will yield, I am particularly interested in the rights of the pedestrian because I am a pedestrian. I have no fear myself, because I have studied the movements and antics of the antelope and I can dodge any automobile that travels the streets of Washington.

Mr. BLANTON. The gentleman had better "touch wood," because I remember one of our colleagues stating that "there were just two kinds of people left, the quick and the dead."

Mr. KING. The only place I have to be particularly careful in when I am within one of those white lines that are painted on Pennsylvania Avenue and in front of the Capitol.

Mr. BLANTON. The gentleman wants to be careful even when within those white lines.

Mr. KING. And my experience has been that one is more liable to get hit there than any other place.

Mr. LOZIER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOZIER. In reference to the loaning of American capital abroad I will say to the gentleman that I have made quite a study of the matter, and does not the gentleman know that, independent of the attitude of France, American financiers have during the last few weeks and months gone ahead and loaned money to even the railroads of France upon a so-called Government guaranty, the amount being \$45,000,000?

Mr. BLANTON. The gentleman and I stand right together on that issue.

Mr. LOZIER. And is it not true that the great financial papers are now beginning to deplore the excessive lending of American capital abroad, tying it up in frozen and long-time securities and enabling Great Britain to conserve her finances so as to be ready to take advantage of the markets of the world?

Mr. BLANTON. The gentleman is not only a very close student of economics but also of finances as applied to farming, and the gentleman knows that whenever you take \$200,000,000 out of the money markets of New York you take just that much money from the money borrowers of America and make it that much harder to get such money for our home people. This is reflected all the way down the line from Wall Street to the farmers of Missouri and the farmers of Texas, and that is what I am trying to head off by the resolution which I have read. Until you can stop this money from flowing to France and until they fund their debt to our Government and we see the return of some of it that lending is going to be felt by the borrowers of our country, among whom are many farmers.

Mr. O'CONNOR of Louisiana. Preliminarily let me state that if the gentleman is not the best-informed man on the Dis-

trict of Columbia I think the gentleman is one of the best-informed men in this House. Have not the Commissioners for the District of Columbia ample authority legally to adopt rules and regulations with regard to traffic?

Mr. BLANTON. They have that authority now, but they do not exercise it. They let a bootlegger run 40 miles an hour in front of your House Office Building, run over a poor charwoman, drag her a block, and yet that criminal has never been indicted by a grand jury.

Mr. O'CONNOR of Louisiana. Do I understand that the Congress of the United States has to take up a great many matters that the Commissioners of the District of Columbia could take up?

Mr. BLANTON. Oh, yes; we have to do that all the time.

Mr. O'CONNOR of Louisiana. That is about as severe a reflection upon appointees of the President of the United States for the District of Columbia as I ever heard.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. I note in section 5 of the bill the director of traffic must necessarily be an assistant chief of police.

Mr. BLANTON. We are going to try to change that, and I hope the gentleman will help us.

Mr. LINTHICUM. I will certainly help the gentleman to do that.

Mr. BLANTON. If you want better conditions, you want to change this bill.

Mr. LINTHICUM. Why should the director of traffic report to the chief of police? Why not to the commissioners direct?

Mr. BLANTON. He ought to be the head himself, but there ought to be cooperation, of course.

Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having taken the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following order:

Ordered, That the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, be recommitted to the committee of conference.

The message also announced that the Senate had passed the following concurrent resolution:

Concurrent Resolution 46

Resolved by the House of Representatives (the Senate concurring), That, in enrolling the bill (H. R. 4202) entitled "An act to amend section 5908, United States Compiled Statutes, 1916 (Rev. Stat., sec. 3186, as amended by act of Mar. 1, 1879, ch. 125, sec. 3, and act of Mar. 4, 1913, ch. 166)", the Clerk of the House is authorized and directed—

(1) To strike out the words "That if" immediately after the enacting clause and to insert in lieu thereof the following:

"That section 3186 of the Revised Statutes, as amended, is amended to read as follows:

"Sec. 3186. That if";

(2) To insert quotation marks at the end of such bill;

(3) To amend the title so as to read: "An act to amend section 3186 of the Revised Statutes, as amended."

Attest,

WM. TYLER PAGE,

IN THE SENATE OF THE UNITED STATES,
February 17 (calendar day, February 23), 1925.

Resolved, That the Senate concur in the House Concurrent Resolution No. 46.

Attest,

GEORGE A. SANDERSON.

REGULATION OF TRAFFIC IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RATHBONE].

Mr. RATHBONE. Mr. Chairman and gentlemen, this is a most important measure. The joint committee have had hearings and have given it the most careful and painstaking attention. I do not claim that this is an ideal bill, but I am prepared to maintain that it is a distinct step in advance and a

decided improvement in conditions which sorely need improvement.

We ought to take pride in the Nation's Capital. We ought to want to see Washington at the forefront instead of lagging behind other cities of this country in the most important respects with regard to regulation of traffic and protection of human life and limb. The statistics unquestionably bear out the assertion that there are more accidents and that there is a worse condition of traffic in Washington than in almost any other great city in the country, and that ought not to be so.

We give additional power to the constituted authorities to enforce needed traffic regulations. We add to the police force. The gentleman from Illinois [Mr. KING] asked what protection was provided for the pedestrians. There is that much protection. We give you more policemen. We give you additional judges. We hope by the provisions of this bill to give you better jurymen, because you can not expect business men to leave their business willingly for a month, as is now the case. This has been tried out in many other communities. In my own State of Illinois and the city of Chicago we find that a jury service of two weeks is the right length of time. You can then get business men to serve and you can have an intelligent, high-class set of jurymen.

In addition, this bill provides for arterial highways. The experts from New York City—and there is no city in the world that has better regulation of traffic than that great metropolis—have advised us in these respects. We ought to have arterial highways through which the traffic can go. It would be a mistake to limit traffic on such highways too much as to speed, but it is not true that they can run 80 miles an hour in any street of this city with impunity. There is a provision, as you will notice, in this bill that they shall be judged by circumstances, and that reckless driving shall depend upon the conditions and the circumstances of the particular case. It may well be that at times 20 miles would constitute reckless driving.

In addition to this, we provide for a night court, and with the additional judges it will no longer be possible to have this disgrace of courts that drag far behind with their work, so that a case like the one cited by the gentleman from Texas [Mr. BLANTON] a minute ago, where a person was killed by an automobile more than a year ago and the driver has not even been indicted for trial, would be impossible.

In addition to that, the bill deals with some of the devices of law breakers. This bill provides a most severe penalty for anyone who equips his automobile or knowingly uses such a thing as a smoke screen.

I happen to know that the policemen of this city are more interested in that than anything else. The smoke screen can not subserve any legitimate purpose; no law-abiding person will use it; it is a device of lawbreakers and lawbreakers alone. It has caused most serious accidents. Motor-cycle policemen follow one of these cars that dash away at a terrific speed and have kept along the best they could trying to do their duty, trying to make an arrest, and suddenly a dense, foul, black smoke is thrown out purposely, blinding the police officer, and often he has dashed into a truck or some other obstacle, and has gone to the hospital, and been crippled for life. This bill deals adequately with that form of law violation. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the House, I do not think any Member of this House who has watched traffic conditions in the District of Columbia can fail to be extremely glad that a measure of this sort is apparently about to pass. The bill having passed the Senate and being about to be passed by us, there should be no possible reason why it should not become a law in accordance with the effective date of the act.

Traffic conditions in Washington are unusually difficult to handle, because of the unusual number of intersecting streets. Washington was laid out by Major L'Enfant with many circles in order that field artillery might be placed at crucial points in the center of the circles, commanding a great many streets, if there should ever arise occasions in the Federal Capital such as arose in Paris just before the time that our capital was being laid out.

This adds enormously to the difficulty. I was much interested in what the gentleman from Texas [Mr. BLANTON] said about extreme danger to little children in this city. The other day I saw a Ford car parked beside the street. I saw a reckless driver smash into it, driving it up the side of the street into a baby carriage and seriously damaging a perfectly good baby. So I hope this bill will pass and will pass promptly.

Mr. BLANTON. Will the gentleman yield? The other day a bunch of joy riders drove their car onto a loading platform and ran over in the safety zone a number of people, killing one and seriously injuring five other people.

Mr. HILL of Maryland. I had heard of that, and I thank the gentleman for calling it to my attention here. I think the provision in regard to intoxicated drivers is absolutely proper and necessary. There is no excuse for anybody driving a car when he is drunk. It is one of the most scandalous things that happen in this city.

Mr. LAGUARDIA. I wonder if the gentleman would support an amendment that I am going to offer providing for imprisonment alone? We put them in jail in New York.

Mr. HILL of Maryland. I believe in putting them in jail, but I am willing to trust the judges. I do not believe in tying up the situation with a mandatory jail sentence so that a prosecuting officer can not get a conviction. I believe in the modern tendency of penology, which is to put discretion in the hands of the judges, but I think they ought ordinarily to have a jail sentence.

WORLD WAR

Now, Mr. Chairman, I want to avail myself of this opportunity to say a word about another matter. This House created the American Battle Monument Commission for the care of American cemeteries and battle fields abroad. The commission, on which I happen to be the House representative, made an exhaustive study during the past year of the cemetery situation, the battle field monument situation, and the general subject of battle fields in Europe.

A great many questions have been asked me as a member of the commission by our colleagues in this House, and I therefore feel that you may be interested in a brief survey of the American operations in Belgium and France, with a statement of what has been done and is being done on the American battle fields in Europe.

Soon after the arrival in France by General Pershing and the vanguard of the American Expeditionary Forces plans were prepared by the American staff for the operations of American troops with the Allies. Immediately after preparing an estimate of the initial force needed to take the field the American staff began a study to determine the most effective point or points and areas in which to use these American troops. Finally the sector of the Woevre was chosen by General Pershing for a number of reasons. First and most important of these reasons was the strategic advantage of this front, since at that point a powerful American offensive would reach the vitals of Germany by the shortest route. Second, was the advantages of lines of supply and communications in this particular sector.

From the time when the first American troops began to arrive in France the American staff continued its work upon plans for carrying out operations in this sector and installing the many supply arrangements necessary for the undertaking. But troops were slow in arriving at first, and the formidable threat of the German offensive of March 21, 1918, which threatened to sever the communications between the British and French Armies and crush France, together with the necessity of stopping the next powerful German offensive of May 31, which almost resulted in the capture of Paris, it was necessary to put in abeyance temporarily the plans of the American commander and hastily dispatch such American troops as were available to points on the French and British fronts. This move resulted in placing American divisions in the path of the Germans on the road between Chateau-Thierry and Paris which halted the German offensive on June 2, 1918, and probably saved Paris.

The lack of reserves on the part of the British also and the fear of another powerful thrust against them made it necessary for General Pershing to dispatch some nine American divisions to the British front, and these became the Second American Corps. All except two of them were eventually withdrawn to the American front in the Woevre after the danger to the British had passed. Of the divisions of the Second American Corps the Thirty-third Division was engaged in a brilliant operation at Hamel and at Chipilly Ridge, besides helping to defend the front south of Albert. The Eightieth Division participated in a local offensive with the British north of Albert and the Seventy-eighth Division helped to defend a section of the line west of Lens. The Twenty-seventh and Thirtieth Divisions, whose entire service in the American Expeditionary Forces was with the British, engaged in an operation south of Ypres which resulted in the capture of Vierstraat Ridge, and were engaged in the operations which broke the Hindenburg line on the St. Quentin Tunnel, and in subsequent operations which resulted in driving the enemy east of the Selle River.

So long as the German salient on the Marne River threatened Paris it was impossible for the American commander in chief to withdraw American troops from that front and continue the preparations for the great offensive in the Woevre, which he had so fervently hoped to launch. In order to remove this menace and that his troops might be able to participate in the offensive which he planned, he urged the French high command to arrange an offensive which would reduce the Marne salient. He pointed out to Marshal Foch the weaknesses of the German position in the Marne salient and formulated a plan for its reduction. This plan was adopted by Marshal Foch in principle. In the offensive, which resulted in driving the Germans from the Marne River, American divisions played a most prominent part. In fact, the spearhead of this attack consisted of two veteran American divisions, which in three days cut the German lines of communication which fed the salient and forced the enemy's withdrawal. Seven other American divisions continued hammering at him, until by August 6 he had withdrawn to the heights north of the Vesle River and the Marne salient had been reduced.

With the threat on Paris removed, the American commander in chief began to urge the French high command to permit him to continue the organization of the First American Army for the purpose of launching an offensive in the Woevre. This Marshal Foch agreed to do, and American divisions were hurried to the St. Mihiel front for the purpose of reducing that salient as a preliminary to the gigantic American offensive, by which General Pershing not only hoped to capture the Briey iron basin, so vital to Germany as a source of her supplies, but to cut the Metz-Sedan-Mezieres Railway, which served as a jugular vein to the German armies on the western front.

On September 12, 1918, the St. Mihiel offensive was launched. This was the first major offensive action which was planned and executed by American command. With magnificent dash American troops in 26 hours reduced the St. Mihiel salient and performed that which had been impossible for the French to perform, despite their tremendous efforts at various times during the war. This operation caused the French to marvel at the ability of American troops and raised their estimation of the American soldier in no small degree.

By September 16 the enemy was in full retreat on the front of the First American Army. Had the First American Army continued its offensive in the Woevre, there is no doubt that the Briey iron basin as well as Metz would have fallen into our hands within the next few days. But Marshal Foch had in mind other work for the First American Army.

The French had long desired to launch an offensive on the Champagne front and between the Argonne Forest and the Meuse River. The brilliant success of American troops at St. Mihiel as well as successful local offensives of the French and British farther north caused Marshal Foch early in September, 1918, to decide upon launching a great offensive between the Meuse River and Rheims with a view of bettering the allied situation before winter set in. He hoped to gain a line from which allied offensives in the spring of 1919 would end the war. He offered General Pershing the choice of two sectors—either that portion of the front between Rheims and the Argonne or that between the Meuse and the Argonne. General Pershing, realizing that the Meuse-Argonne front presented difficulties which he believed American troops had the ability of surmounting, choose that front.

The St. Mihiel front was reluctantly allowed to stabilize on September 16, 1918, and American troops were hurried north to take their places on the Meuse-Argonne front, while new or tired American divisions held the ground which had been gained by the St. Mihiel offensive.

Before the Meuse-Argonne offensive began Marshal Petain expressed the opinion that the American offensive could not be pushed beyond the heights of Montfaucon before the weather conditions incident to winter would make operations impossible. This proves that the French high command had at that time no idea that the war would end in 1918.

On the morning of September 26, 1918, there was launched between the Meuse River and the Argonne Forest the greatest battle in American history. On this front nine divisions smashed through the German lines and by noon of the first day had reached a line far in advance of that which the French high command believed possible in 1918. These powerful American thrusts continued, while the Germans frantically threw in division after division from other fronts in their attempts to check the Americans in their drive for that artery of communications, the cutting of which meant ruin to the German armies in northern France. But the First American Army was not to be stopped. By November 4 its guns were hammering the Metz-Sedan railway, and by the 7th

of November American troops were on the heights 2 kilometers south of Sedan hammering that town with their guns.

It is not a matter of mere coincidence that the date of November 6, 1918, on which the First American Army cut that so vital German avenue of retreat—the Metz-Sedan-Mezieres railway—was the day on which the German high command asked Marshal Foch for a conference for discussing the terms of an armistice.

The fact that no American troops entered Sedan after arriving so near its gates is not to be taken to mean that they tried and failed. In fact, Sedan would have fallen into American hands on the following day had it not been for the sentimental reasons of the French, who desired for the purpose of boosting their national morale that they should have the glory of entering Sedan. Consequently, General Pershing magnanimously called off his troops from that area south of Sedan which they had fought so hard to win and delivered it to the French, directing his First American Army to the sterner task of driving the enemy across his border south of Luxembourg.

When the allied high command handed the terms of the armistice to the representatives of Germany on the night of November 7-8 they complained that they were too severe; and severe they were, since to accept them amounted practically to an unconditional surrender. These German representatives returned to headquarters of the German Army at Spa, Belgium, for instructions from the Government. But any doubts that Germany had about not accepting the armistice terms were dispelled within the next two days, when the continued and powerful onslaughts of the First American Army toward her borders, as well as the continued pressure of the Allies farther north, threatened the total destruction of the German armies in northern France. To the American Army falls the credit in no small degree for the forced decision on the part of Germany to accept these terms imposed by the Allies.

Before the Meuse-Argonne offensive began, Marshal Petain asked General Pershing for two divisions to assist the Fourth French Army on the Champagne front. The Fourth French Army, like the First American Army, launched its offensive on September 26, 1918, and by October 1 they had come in contact with almost impregnable German positions on Blanc Mont Ridge, which the Germans considered the key to their defenses in Champagne. Here the Fourth French Army was vainly trying to pass this barrier, and had failed. On October 2 the Second American Division was thrown in line and attacked Blanc Mont. By noon of the first day of this attack all of the Blanc Mont Ridge in the sector of the American division had been captured and by October 7 the enemy had been driven to his last line through St. Etienne. Here the Thirty-sixth American Division was thrown in, and after a severe struggle broke through on October 12, and together with the divisions of the Fourth French Army pursued the enemy for 21 kilometers to the Aisne River, where he strongly entrenched himself to the north of that barrier. The attack of these two American divisions in Champagne resulted in breaking the backbone of the German Champagne defenses and enabled the Fourth French Army to advance.

While the great American offensive on the Meuse-Argonne front was under way, the Sixth French Army in Belgium, under command of King Albert of the Belgians, had appealed for the help of American divisions in overcoming formidable obstacles to its advance. Accordingly, General Pershing withdrew two American divisions from the Meuse-Argonne front, where they were badly needed, and loaned them to King Albert. These American divisions—the Thirty-seventh and Ninety-first—were thrown into the line of battle along the Courtrai-Ghent highway on October 30, and by November 1 had driven the enemy from the heights around Cruyshautem and north of the Scheldt River. The only troops of the Sixth French Army which were able to force a crossing north of the Scheldt River during these attacks were troops of these two American divisions. These two divisions were withdrawn from the line for a few days' rest, but were returned again on November 8 and were hammering the enemy and pushing him farther out of Belgium when the armistice was signed on the 11th.

Other points of the front where American troops served with distinction are on the Champagne, northeast of Soissons, and in the Vosges. On July 15 and 16, 1918, the Forty-second Division and Three hundred and sixty-ninth United States Infantry did magnificent work in aiding the Fourth French Army to stop the great German July offensive on that front. From September 15, 1918, until the armistice the Three hundred and seventh United States Infantry, as part of the Fifty-ninth French Division, attacked on a front northeast of Soissons, and the time the armistice went into effect was pursuing the enemy near Rocroi, Belgium.

Nearly every American division which later saw offensive action on the western front had its initial training in the defensive sectors of the Vosges Mountains. While no great offensives were undertaken in these mountainous regions, the American troops who operated there suffered many casualties in defending that important sector of the western front.

The Italians launched a great offensive from the Piave River on October 26, 1918. A small American force, principally the Three hundred and thirty-second Infantry, assisted the Italians in this offensive. Under the pressure of this Italian offensive the retreat of the Austrians became a rout by October 30. The Austrians fought desperately, however, in their vain attempts to delay the Italians. The Three hundred and thirty-second United States Infantry particularly distinguished itself in forcing a crossing of the Tagliamento River against Austrian resistance. We also had a large air force in Italy on the battle front.

American troops also saw service in Russia—on the Archangel front, as well as in Siberia. These American troops were sent as part of the allied expeditions which had as their mission the guarding of the ports of Archangel and Vladivostok and protecting the lines of communication by which the Allies were sending the Russians badly needed supplies of munitions.

The United States lost a total of 48,900 men killed in battle, in addition to those who died in the service abroad from disease, exposure, or other causes. Since the armistice was signed the American Graves Registration Service, after a tremendous amount of effort, has succeeded in collecting these dead from their resting places where they were originally interred on the battle fields and has moved them to eight cemeteries in Europe or has returned them to their relatives in the United States or elsewhere. At the present time the United States has in Europe eight military cemeteries, located at Brookwood, England; Suresnes, France, Belleau, France; Seringes-en-Nesle, France; Bony, France; Thiaucourt, France; Werengen, Belgium; Romagne, France.

By January, 1925, the United States Graves Registration Service had moved to the United States or to the homes of relatives in foreign countries 46,290 bodies of American soldiers who were killed in battle or who died on foreign soil during the war. Upon the request of relatives, 130 American soldiers still lie buried on the battle fields where they were originally interred. And there are still 1,662 American soldier dead whose bodies have not yet been found in the original burial places on the battle fields. However, as a result of a systematic effort and search, the United States Graves Registration Service is gradually finding these bodies and reburying them either in the American European cemeteries or sending them to relatives in the United States or elsewhere.

The largest of the American military cemeteries is fittingly located at Romagne, around which there was perhaps the most bitter fighting of the whole war, during which the Americans broke the Kriemhilde Stellung line. This cemetery contains the graves of 13,976 American soldiers who lost their lives in the Meuse-Argonne battle and during the battles in Champagne.

The St. Mihiel American Military Cemetery, located near the village of Thiaucourt, is the resting place for 4,134 American dead who lost their lives in the St. Mihiel battle and during the fighting in the Vosges.

The Aisne-Marne Cemetery, located near the small town of Belleau, in Belleau Wood, contains the remains of 2,100 American soldiers who lost their lives during the Aisne-Marne defensive and the Marne offensive.

The cemetery at Seringes-en-Nesle, near Ferre-en-Tardenois, is the resting place for approximately 6,000 American soldiers who lost their lives during the fighting on the Vesle and the Aisne Rivers.

The American cemetery at Bony, on the slopes of the St. Quentin Tunnel, is the resting place for approximately 1,800 American soldiers who were killed in the battle for the Hindenberg line and other operations with the British Army on the British front.

The American cemetery at Werengen, Belgium, is the resting place for 363 American soldiers who lost their lives during the offensives south of Ypres and in the vicinity of the Scheldt River.

The cemetery at Suresnes, near Paris, contains the bodies of 1,503 American soldiers who died at various points in France, particularly in the hospitals and Service of Supply areas.

The American cemetery at Brookwood, England, contains the bodies of some 440 American soldiers and sailors who died while on duty in the British Isles.

I hope that this personal report of the work which you have committed to the American Battle Monuments Commission will

assist the Members of the House in answering some of the many questions that they are asked you about American battle fields in Europe. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I suppose it is unnecessary for me to state that Congress is more freely and frequently criticized by its failure to meet the municipal requirements in the city of Washington, or its imaginary failure, than to solve any other problem that comes before Congress pressing for solution. I often wondered myself why we should be giving so much time to matters that could be disposed of by the municipal officers.

I think I am more or less competent to speak upon that peculiar phase of the administration of the city of Washington by reason of the fact that for years I was closely associated with the government of the city of New Orleans.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. I have only five minutes. We have a commission form of government in the city of New Orleans, composed of four commissioners and a mayor. In them are reposed legislative and administrative functions, of course through a charter derived from the State of Louisiana. It is ample and gives us power in the city of New Orleans to meet every imaginable need of a great municipality. The city of New Orleans is about the same size, from the standpoint of population, as the city of Washington. There are about 400,000 people there. If there is any city in the United States of America, due to its peculiar growth, to its origin and population, where the traffic congestion is greater than in the city of New Orleans, I would like to know what that city is. I dare say you all know that New Orleans was a Latin city for many years. Down below Canal Street, which is the district that I have the honor to represent, it is largely a Latin city. Up above Canal Street it is an American city. All the people of the entire city must go to Canal Street, the great imaginary dividing line of the city; every street car, every wagon, every automobile goes there, and as a consequence the traffic congestion would be very great if it were not for the wonderful regulations which have been formulated as the result of a study of traffic conditions all over the United States and Europe. That city is about the same as the city of Washington. We are all about the same kind of people, and we have the same wants and hopes and aspirations and the same problems. That commission council of the city of New Orleans is in a position to meet almost from day to day every new demand made by a growing civilization, a complex population. Why can not that same power be granted to the Commissioners of the District of Columbia? I do not wonder that people stand in amazement at the thought that the Congress of the United States of America has to take up so much of its time with what apparently are municipal ordinances. That power could be granted to the commissioners here and they could ordain upon the subject, just as does the commission council of the city of New Orleans, and act as administrators at the same time. To say that the commissioners are not doing their duty is a reflection upon the appointive power. Though such a charge is made in good faith, I can not accept it. It is absurd to think that the commissioners are indifferent to the wants and hopes of the people of the city of Washington. If anything is needed here it is greater and more ample power, which should be given to the commissioners, and in a large measure prevent this almost absurd and nonsensical handling by the Congress of legislative matters that dwindle into the insignificant proportions of municipal ordinances. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am glad the committee is taking up this question of traffic legislation. Last evening I was within 10 feet of a street car on the corner of Twelfth and F Streets, and wanted to get to the Union Station, but the automobiles were so close together that it was impossible for me to cross to one of those platforms where we board the street car. We need not only traffic legislation of this kind but traffic officers who will give the pedestrians a chance to get across the street and to the street cars. On several occasions lately it has been impossible for me to reach street cars or cross streets, because there were so many automobiles passing, with no officers at the intersections of the streets to give a person going in the other direction a chance.

If you are going to appoint a director of traffic, that director ought to be a very capable man. He ought to be a man who is something of an engineer, a man of extraordinary ability, because he will have a man-sized job to handle. I do not think we ought to limit it to the assistant chief of police, as

provided in section 5 of the bill. If the assistant chief of police is a better man than anybody else, we can appoint him, but let us not tie ourselves down to the assistant chief of police and make it impossible to appoint any other man, no matter how great his capabilities are.

Mr. McKEOWN. Mr. Chairman, is there such a position as chief of police in the District of Columbia?

Mr. LINTHICUM. Yes.

Mr. ZIHLMAN. That amendment was inserted on the floor of the Senate, and it is the purpose of the committee to offer an amendment striking it out.

Mr. McKEOWN. Is there a chief of police in the District of Columbia?

Mr. BLANTON. No.

Mr. LINTHICUM. Section 5 of the bill refers to the chief of police of the District of Columbia. If there is no chief of police, there should not be such a reference in the bill.

Mr. BLANTON. He is a major and superintendent of police.

Mr. LINTHICUM. The bill provides that he shall be under the chief of police. Then the bill is wrong?

Mr. BLANTON. Yes. That was written by somebody who was not familiar with the situation here.

Mr. LINTHICUM. Another point I bring to the attention of the committee is the matter of running an automobile when intoxicated. It seems to me there ought not to be a fine connected with that offense. When a man runs an automobile while intoxicated there ought to be no fine, no influence to bring about a fine, and the judge ought to be compelled to give the man a jail sentence to teach him a lesson.

Mr. DOWELL. Is there a provision in this bill to relieve such a culprit of his license under those circumstances?

Mr. LINTHICUM. I do not know. We have such a provision in Maryland, but I do not know of any in this bill; but I think it is at the discretion of the director of traffic.

Mr. HILL of Maryland. In Maryland, as the gentleman well knows, such offenders always get a jail sentence imposed upon them.

Mr. LINTHICUM. Yes; regardless of who they are. They get a jail sentence in Maryland, and they get their license taken away from them for at least a long time.

In addition to what I have said about this bill, which seems to me a great improvement upon the present situation, I think the bill which we passed to-day in respect to a building program for schools is a mighty good bill. We ought to look forward to the building of schools for the children.

The people of Baltimore have spent somewhere around \$20,000,000 in the last few years in building magnificent school buildings. In a democracy the government depends upon the people, and the better the education they can give, the better they can provide for the children growing up and the better government they can have. I am proud of the public-school buildings now being erected in this country. And in conclusion I want to say that the bill we passed two weeks ago to-day providing for inspection of dairies, pasteurization of milk, and the protection of the people from impure ice cream is a bill in the right direction, but did not go far enough. It seems to me so radically wrong not to protect the people against that raw product—butter—which was omitted from the bill, and which I endeavored in every possible way to have included.

I was fighting to protect the people from the impurities so easily carried in butter. When we realize that 60 per cent of the bacilli is contained in the cream, and that the cream is made into butter, and yet we fail to protect the people against impure butter, we are recreant to our trust. I want to see the people of the District of Columbia and of the country have the very best creamery products which science and modern methods can produce. I want to see the day when bovine tuberculosis, which kills so many of our little ones every year, is entirely eradicated. I was charged by some with filibustering because I stood up for the rights of the consumer against the creamery combines and monopolies. If this be a just cause of criticism, then I welcome it. So long as I am a Member of Congress I shall fight until I see the people protected against impure butter and all other creamery products by adequate legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Could the gentleman yield me a few more minutes?

Mr. ZIHLMAN. I will say the gentleman from Texas had 45 minutes.

Mr. BLANTON. Have I any time left?

The CHAIRMAN. No time remains to the gentleman from Texas.

Mr. ZIHLMAN. I had only 15 minutes. Will the gentleman from Maryland come in under the five-minute rule?

Mr. ZIHLMAN. I yield the remainder of my time to the gentleman from Vermont [Mr. GIBSON]. [Applause.]

The CHAIRMAN. The gentleman from Vermont is recognized for six minutes.

Mr. GIBSON. Mr. Chairman and gentlemen of the committee, I was very much interested in what the gentleman from Louisiana [Mr. O'CONNOR] said with respect to taking care of some of the small matters of legislation which affect the District of Columbia. I call attention to the fact that I have introduced a joint concurrent resolution providing for a study of the situation here in the District government in order that we might devise ways and means to get rid of the legislative details of which the gentleman complained. But we are informed the joint resolution is not to go through the Senate at least. In view of this legislative situation I have introduced a House resolution calling for an investigation on the part of the committee of the House, and I sincerely trust that the Rules Committee will see fit to let us take action on it so we may remedy the condition.

The gentleman from Illinois [Mr. RATHBONE] has called attention to the traffic situation here in the District. I wonder if we realize that there were nearly 100 people killed last year here by automobiles, one for about every three days of the year—100 human souls gone out from their existence here because of reckless drivers. Now, that is a situation, gentlemen of this committee, that demands prompt action.

There are some things about this bill I do not like. The gentleman from Texas [Mr. BLANTON] well called attention to three specific basic provisions that we agreed on in the joint subcommittee. There is another one, and that is we should have a separate administrative head who would have charge of the granting of licenses and permits and their revocation. That is a big job, and I do not think that the appointive power ought to be limited to the District of Columbia. The right should be given to go anywhere in the country and get the best man available for the purpose. We have had the administration of the laws here so far as automobiles are concerned under the control and direction of the commissioners and the police force. I think that they have pretty clearly demonstrated that they are not equal to handling the situation. There is another thing that this bill does not do away with, and that is the collateral nuisance and menace, which is one of the most vicious things in our present practice here in the District. A man is arrested and he comes into court and puts up collateral; he is not required to appear in court; the collateral is forfeited, and that ends the case. May I call attention to the records of some offenders? I have here some records of the Metropolitan police force. Here is the case of Solomon Nathan Chesevoir, who has had 13 charges lodged against him, and in many cases he put up his collateral and went his way. Here is the case of Russell A. Murray, with 16 offenses charged against him, and he likewise in many cases put up his collateral and went his way. Here is the case of Benjamin Chesivoir, with 11 charges against him. Here is the case of John Lyons, with 24 charges against him; here is the case of Leo Paul Connors, with 25 charges against him; here is the case of George Michael King, with 36 offenses, mostly violations of the automobile law, against him, and in nearly every case these men still have their licenses to operate here in the District of Columbia.

Mr. DOWELL. Will the gentleman yield?

Mr. GIBSON. I will.

Mr. DOWELL. That is the very purpose of the bill. Under the law as it now exists there is no power to take the licenses; as I understand, and no power to put them in jail?

Mr. GIBSON. It goes to a certain extent, but if we had a separate, independent administrative head, separate from all the entangling influences here in the District—

Mr. DOWELL. Is not the gentleman aware that if the police force of the city of Washington does not desire to enforce any statute we may make it can not be enforced outside, and is it not necessary to have the cooperation of the police force of the city if you are going to administer properly any criminal statute?

Mr. GIBSON. Does the gentleman assert that under this proposal we will not have the cooperation of the police force?

Mr. DOWELL. My question was the gentleman was questioning that the police force had not enforced it, and perhaps could not, as I understood him.

Mr. GIBSON. They have not.

Mr. HUDSON. It is not a question of the cooperation of the police force. It is a question that the police force had

cooperated under a provision which allowed the deposit of collateral and they never appeared for trial.

Mr. DOWELL. Should not the language of the bill that is supposed to override the board provide that if tried and convicted they be sent to jail or their licenses canceled?

The CHAIRMAN. The time of the gentleman from Vermont has expired.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

ADDITIONAL JUDGES FOR THE POLICE COURT

SEC. 3. (a) Section 42 of the District of Columbia Code is amended to read as follows:

"SEC. 42. CONSTITUTION: The police court of the District shall consist of four judges learned in the law, appointed by the President, by and with the advice and consent of the Senate. No person shall be so appointed unless he has been an actual resident of the District for a period of at least five years immediately preceding his appointment and has been in the actual practice of law before the Supreme Court of the District for a period of five years prior to his original appointment. The term of office of each judge shall be six years, except that any judge in office at the expiration of the term for which he was appointed may continue in office until his successor takes office. Each judge shall be subject to removal by the President for cause. The salary of each judge shall be fixed in accordance with the classification act of 1923. The judges shall hold separate sessions and may carry on the business of the court separately and simultaneously, but the holding of such sessions shall be so arranged that the court shall be open continuously from 10 o'clock antemeridian until 11 o'clock postmeridian each day, Sundays excepted, for the trial of cases involving violations of traffic laws and regulations. The judges shall have power to make rules for the apportionment of business between them and the act of each judge respecting the business of the court shall be deemed and taken to be the act of the court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States."

(b) Nothing contained in this section shall affect the term of office of the present judges of the police court or require their reappointment.

(c) The judges of the police court are authorized to appoint not exceeding six additional deputy clerks and four additional bailiffs, if the business of the court requires it. The salaries of such additional deputy clerks and bailiffs shall be fixed in accordance with the classification act of 1923.

(d) The commissioners shall provide for the use of the police court as enlarged by this act such additional quarters, furniture, books, stationery, and office equipment as may, in their opinion, be necessary for the efficient execution of the functions of the court, and as may be appropriated for by the Congress from time to time.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 17, after the word "from" strike out "ten" and insert "nine."

Mr. BLANTON. Mr. Chairman, there are some very good reasons why Congress does not meet until 12 o'clock noon. We have most of our work to do off of this floor. Much of our work is with departments and bureaus in behalf of our constituents. Much of our work is in committee rooms, and we have to prepare our minority reports and majority reports concerning bills that come from committees in our offices. We must study bills closely and prepare amendments to them in our office. Therefore there is a reason for our not meeting until 12 o'clock. But there is no reason on God's earth why a court should not meet before 10 o'clock. Why should not these courts meet before 10 o'clock? Why, in the summer time the sun is four or five hours high in the heavens before they meet. Why should they not meet at 9 o'clock? Why should they not go to work at 9 o'clock?

I am proposing to make this hour of meeting for courts here 9 o'clock instead of 10 o'clock. Here are four judges. They are going to have two shifts—three to sit in the daytime and one to sit at night until 11 o'clock—two shifts each, so that they will have a night court. You are fixing to let them open court at 10 o'clock a. m. and adjourn at 3 or 4 o'clock p. m.

Mr. DOWELL and Mr. TINCHER rose.

Mr. BLANTON. I will yield to these gentlemen in a moment. I defeated one of the best loved and most prominent men in my district as circuit judge because he would not open his court early. The people put me in there because they knew I would open the court at 9 o'clock or earlier if necessary and clean

up the dockets. That is the reason why the dockets here are so crowded. The judges do not begin early enough or work long enough. These gentlemen have had their salaries raised. You do not know it, but the classification act has raised their salaries by quite a large amount—I think by some substantial sum. You are providing for their raise in this bill. When you do it you ought to say, "Mr. Judge, you have got to open your court at 9 o'clock." Remember they are to have two shifts of judges. Two or maybe three will sit in the daytime and one at night.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DOWELL. Is it the idea of the committee that these traffic violators are to be tried immediately by the court from time to time?

Mr. BLANTON. Oh, yes; there are a great many transient motorists who come here from the States. A man drives in here in the morning or in the daytime and goes out that night. It is quite an accommodation to a man if he is caught violating the traffic law to let him go down and have a hearing at once.

Mr. DOWELL. The gentleman thinks they ought not to be obliged to remain in the city here several days before their trial?

Mr. BLANTON. Yes; if I were arrested for speeding here I would want a hearing right now. Of course, I am not going to violate the law, but if I were to be arrested for violating the law I would want a speedy hearing. I would want them to give me a hearing right away.

Mr. DOWELL. It seems to me we ought not to complain about the salaries to be paid.

Mr. BLANTON. No; it would be the best money we ever spent if these judges would only work and enforce the laws. I hope you will adopt this amendment and make them work from 9 o'clock in the morning.

Mr. ZIHLMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. BLANTON]. I rather think the gentleman from Texas is trying to carry out some campaign pledge made early in his campaigning in the State of Texas in trying to insist that the police court of the District of Columbia should convene at 9 o'clock in the morning. I am informed—I do not know how correctly, but I have heard a rumor to the effect—that at one time the gentleman from Texas was in favor of having Congress convene at 8 o'clock in the morning. There may be some reason why this court that is to sit from 10 o'clock in the morning until 11 o'clock at night should be allowed to adjourn at the hour of 10 o'clock at night, but there is no reason why they should convene before 10 o'clock in the morning.

The gentleman from Texas has been a judge—and he has so informed us here from time to time—and he knows that a judge must prepare his docket beforehand and prepare for the business of the day. The committee has had protests filed from men interested in the police court who objected to a court in a city of this size being compelled to sit until 11 o'clock at night, and they point out the inconvenience to the jurors in not being dismissed until 11 o'clock. There may be some justification for an amendment providing that the court should adjourn earlier than 11 o'clock, but there is no justification for obliging the court to begin at 10 o'clock.

Mr. UNDERHILL. How long is it proposed that each shift shall work?

Mr. ZIHLMAN. There is no provision as to the length of the session of each judge, but provision is made that the court should be open from 11 a. m. to 11 p. m.

Mr. UNDERHILL. If they started at 9 o'clock they would probably work until 4 or 5 o'clock, which would be longer than the Government employees work.

Mr. RATHBONE. Is it not a fact that in the vast majority of cases in the cities of the size of Washington the courts do not convene as early as 9 o'clock? Is it not a fact that 10 o'clock is the regulation hour?

Mr. BLANTON. The police courts of New York convene at 9 o'clock, do they not—I will ask the gentleman from New York [Mr. BLACK]?

Mr. BLACK of New York. The traffic courts convene then. Mr. ZIHLMAN. I think from 10 o'clock in the morning until 11 o'clock at night, as provided in this bill, is amply sufficient to take care of traffic cases that come before the court.

Mr. McKEOWN. Would it not be better to open at 9 and close at 10 instead of 11?

Mr. ZIHLMAN. I do not think so. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Let us have a division on that 10 o'clock opening.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 20, noes 13.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 5, after the word "exceeding," strike out "six" and insert "two."

Mr. BLANTON. Mr. Chairman, this is the most ridiculous proposition I have ever heard of. Just because we give them two extra judges—they already have two and we give them two more—they want us to give them six additional deputy clerks. It is absolutely ridiculous. Two additional deputy clerks are plenty, and that is all they need. I see several men here who have been on the district bench. There is the gentleman from Oklahoma [Mr. McKEOWN]. He was a distinguished judge in his State, and he never had but one clerk for each court, just one clerk, and his clerk did the work of his court. [Laughter.] I am speaking about the clerical work.

It is ridiculous to ask for these six additional deputy clerks. I want to ask you gentlemen this: Are you willing to give three additional deputy clerks for each new judge? They already have some deputy clerks, and you are fixing by this bill, if you vote down my amendment, to give them three additional deputy clerks for each new judge, or six new ones, when it is all one court.

Mr. McKEOWN. Why not make it three and split the difference?

Mr. BLANTON. I am willing, if you colleagues require it.

Mr. McKEOWN. Mr. Chairman, I move to amend by making it three.

Mr. BLANTON. I accept the amendment.

The CHAIRMAN. The gentleman from Oklahoma moves to amend the amendment in the manner in which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN to the amendment offered by Mr. BLANTON: Strike out the word "two" and insert in lieu thereof the word "three."

Mr. ZIHLMAN. Mr. Chairman, I desire to oppose the amendment, and I want to call the attention of the committee to the fact that the joint committee of the House and the Senate labored on the provisions of this bill for a period covering four or five weeks, and all these matters as to the required additional personnel were determined upon and thrashed out with the police-court judges, and there is nothing excessive in the additional help granted to this branch of the courts of the District of Columbia. There are 50,000 cases a year going to the police courts of the District of Columbia; the dockets are tremendously crowded, and these additional employees will have to be provided for by appropriations. They must run the gauntlet of the Appropriations Committee and satisfy that very able and economical committee as to the necessity for this additional help.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. As I understand, after those joint hearings the bill that was recommended to the House by the House committee was materially different from this bill in many respects. Evidently, then, the House committee does not feel it essential that the House accept the judgment of the Senate in this matter.

Mr. ZIHLMAN. I will say to the gentleman that the changes in this bill are largely changes of penalties. In the original bill the penalties were very drastic.

Mr. CRAMTON. Did not the joint committee go into the matter of penalties?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. And if the House and Senate could not agree on that important matter, why not let the House have a chance to express its judgment on some of these other matters?

Mr. ZIHLMAN. I have no objection to that. I have made my statement.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. I will state to the gentleman from Michigan that the joint committee was not in accord on needing six

deputy clerks or needing four new bailiffs, as provided in the Senate bill.

Mr. CRAMTON. Why do they need six new clerks?

Mr. BLANTON. They do not need them.

Mr. CRAMTON. The gentleman from Maryland knows that if six are provided it will be insisted before the Appropriations Committee that the House has expressed its judgment and that the places must be filled.

Mr. ZIHLMAN. I will say to the gentleman from Michigan that his committee has full jurisdiction in this matter. The bill simply provides that they shall have not to exceed six additional deputy clerks and four additional bailiffs. The gentleman's own committee provided, in a bill that passed the House, for 100 more policemen in the District of Columbia and the House accepted its judgment on that.

Mr. CRAMTON. But they can not fill those positions because they can not get the men. However, they will be able to get clerks all right. Is it the opinion of the gentleman from Maryland that they need only two additional clerks now? I am asking that for the guidance of the Appropriations Committee when it comes to act.

Mr. ZIHLMAN. No; it is my judgment that they need the number carried in the bill.

Mr. CRAMTON. Why?

Mr. ZIHLMAN. Because of the congestion, the difficulty of transacting business in the police court and the doubling of its work. Can the gentleman tell me how many clerks they have there now? If he can, I can answer his question better.

Mr. CRAMTON. I thought the gentleman from Maryland had that information and I am just asking him for it. But I will say this, that a representative of that court was before our committee last week and I made some examination of him with reference to the work of the court, and the only difficulty he offered then as being in the way of bringing the cases up to date was the need of more judges. He did not say anything to us about needing six more clerks.

Mr. RATHBONE. Will the gentleman from Maryland yield?

Mr. ZIHLMAN. Yes.

Mr. RATHBONE. I will say, in reply to the gentleman from Michigan, that the gentleman is, of course, aware that this bill does not carry the positions with it. The bill provides that they shall only be appointed if they become necessary. Now, the congestion of the court is tremendous. It has been shown that they are a year or more behind, and if we are going to impose upon these four judges the burden of catching up in that work in a short period of time, as we want them to do, they ought to have the help they need to do it.

Mr. CRAMTON. If the gentleman from Maryland will permit, the gentleman from Illinois knows that the present congestion is in connection with jury trials, in which they are from one to two years in arrears, but the gentleman, I think, knows that a clerk does not require as much time to handle the paper work in connection with the case as the jury does to try it.

The mere fact they are in arrears because of the delay in jury trials does not mean we have got to give them an army of clerks.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to proceed for one more minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I want to say to the members of the committee that conditions in this court were so congested that the committee, of which the gentleman from Michigan [Mr. CRAMTON] is a member, provided legislation which was offered here, under an agreement with the legislative committee, that a point of order would not be raised as to its being legislation on an appropriation bill; and in that bill the District of Columbia appropriation bill, as it passed the House, they provided for two additional judges and provided for an increase in the amount involved as a penalty before an offender could demand a jury trial.

Mr. CRAMTON. No one is objecting to two clerks.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. McKEOWN] to the amendment of the gentleman from Texas [Mr. BLANTON].

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 20, noes 30.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, this is to reduce the clerks to two.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 41, noes 22.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 5, at the end of line 5, strike out "four" and insert "one."

Mr. BLANTON. Mr. Chairman, I wish the Members who are not lawyers would go down to this police court and ascertain just how little the bailiff there has to do. They have two bailiffs there already who are idle much of the time. They have practically very little to do. They call court, keep order, adjourn court, and act as court crier. The biggest sinecure job on earth is that of court bailiff in Washington, and now just because we want to give Washington two extra judges they want two extra bailiffs apiece, or four new bailiffs. It is absolutely ridiculous, and I expect the gentleman from Michigan [Mr. CRAMTON] to get up here and help us strike this out of the bill.

Mr. UNDERHILL. The gentleman does not need any help.

Mr. BLANTON. Let me tell my friend the gentleman from Maryland [Mr. ZIHLMAN] something. If the gentleman wants this bill to pass, the gentleman ought to help us to make it a good bill, that will appeal to the membership of the House and will appeal to the Committee on Appropriations when they have to furnish the money. Just because the gentleman wants to pass his bill, I am sure the gentleman does not want to get up here and insist on everything in it when the gentleman does not believe in it.

Mr. DOWELL. How many bailiffs have they in the court now?

Mr. BLANTON. They have two down there that I know of who are idle much of the time. They do not need but one more bailiff. They really do not need that, but we ought to give them one, to be sure of giving them enough.

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RATHBONE. How many bailiffs are there all together? The gentleman has talked with authority here.

Mr. BLANTON. I will put the question right back to my friend from Illinois. How many have they got down there?

Mr. RATHBONE. I am asking the gentleman and I am waiting for his answer, and I am sure I will have to wait a long time.

Mr. BLANTON. No; I will tell you. They have two down there now who are idle much of the time.

Mr. RATHBONE. There are two bailiffs for two judges.

Mr. BLANTON. There are two bailiffs for that police court down there.

Mr. RATHBONE. Does the gentleman mean to say a court ought to run without at least one officer to preserve order and to uphold the dignity of the court, whether it is a police court or not? Does the gentleman take that position?

Mr. BLANTON. No. There are officers there sufficient to keep order. Let me tell the gentleman something. Do not you ever think there will be four of these courts all running at the same time. At least one of these judges is going to work at night.

Mr. RATHBONE. Will the gentleman yield a moment?

Mr. BLANTON. I can not yield for the gentleman to take up all of my time. His day has passed. February 12 has gone. [Laughter.] The gentleman must let us who are trying to frame a good traffic bill have a little time. The gentleman is a good lawyer, but he does not know how little these court bailiffs have to do in Washington. The gentleman wants to have them specially robed and capped and gowned, with revolvers at their sides and boots and spurs on.

Mr. RATHBONE. Will the gentleman yield a moment?

Mr. BLANTON. Yes.

Mr. RATHBONE. Does the gentleman really think we all have the great familiarity with police courts that the gentleman has?

Mr. BLANTON. No; but about the only court that the distinguished gentleman practices in is the Supreme Court of the United States, and it already has plenty of bailiffs. The gentleman from Illinois frames splendid traffic bills in joint sessions of the House and Senate committees and then lets some other body throw his bill out of the window and send him something that somebody else wants him to pass, and the gentleman meekly accepts it instead of standing up here and

fighting for something that is good. He accepts such a makeshift bill and thinks he has something worth while to give to the people.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I hope, gentlemen, you will not give them these four extra bailiffs but that you will adopt my amendment.

Mr. RATHBONE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and gentlemen, I wish to say that the statement just made by my friend from Texas [Mr. BLANTON], whose ability I have a high regard for, is absolutely unfounded. There is a practical side to all this. You gentlemen do not want to see any court in Washington or anywhere else, particularly a court of the United States, the greatest country in the world, that is not in a position to uphold its dignity. You know a judge can not run a court by himself. He must have the right sort of assistance and he has got to have a bailiff. You never heard of a court that did not have one.

It is ridiculous to try and hamstring this important and essential legislation right at the start. We only ask for something that is fair; I do not care about amendments if they are not essential.

Mr. McKEOWN. Each judge ought to have a bailiff; how many bailiffs are there there?

Mr. RATHBONE. The gentleman from Texas says there are two bailiffs for two judges. Every judge should have a bailiff, and it is an absolute outrage and a wrong to talk about having a court without a bailiff.

Mr. GASQUE. Will the gentleman yield?

Mr. RATHBONE. Yes.

Mr. GASQUE. Does not the gentleman think that two bailiffs would be a sufficient number?

Mr. RATHBONE. In the best judgment of those who know the conditions, one bailiff is enough for a court. I have no pride of opinion, I am satisfied with that; but I do stand by the proposition that every court ought to maintain its dignity and have at least one bailiff.

Mr. GASQUE. I was going to offer an amendment by making it two bailiffs.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to modify my amendment and make it two bailiffs instead of one.

Mr. ZIHLMAN. I am willing to accept that amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by making it two bailiffs instead of one. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas as modified.

The question was taken, and the amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Maryland asks that all debate on the section and amendments do close. Is there objection?

Mr. AYRES. I should like to ask what section the gentleman refers to?

Mr. ZIHLMAN. Section 3.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read section 4 of the bill.

Mr. AYRES. Mr. Chairman, I desire to offer an amendment on page 4, line 14.

The Clerk read as follows:

Page 4, line 14, after the word "time", insert a new paragraph as follows:

"Provided, That section 42 of the Code of Law of the District of Columbia hereby is amended so as to provide that the police court in the District shall consist of four judges, and the provisions of other sections of such code as relate to the powers and duties of employees of said court shall apply to such employment as the court may authorize in pursuance thereof, and said court sitting en banc shall have power to make rules affecting the business of the court not inconsistent with law, including the selection of a presiding judge: And provided further, That the second paragraph of section 44 of the Code of Law for the District of Columbia is hereby amended to read as follows: 'In all cases where the accused would not, by force of the Constitution of the United States, be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than \$300 or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the

trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is not germane either to the paragraph or to the bill.

Mr. CRAMTON. Mr. Chairman, I can not see any basis for the point of order by the gentleman from Texas. The only possible question might be as to the place in the bill where it is offered. The only question might be whether it should be in the part of the bill relating to judges. But the part of the paragraph just read has to do with judges. So far as it being germane to the bill I can not see any question about it. The bill is a bill which is to increase the number of judges for the purpose, as every man knows, of relieving the congestion in the police court.

There are two main purposes of the bill—first, the regulation of the traffic, and, second, to relieve the congestion in the police court. One way of relieving the congestion is by the addition of more judges. Another way, and a very effective way, is that set forth in this amendment, by decreasing the cases in which jury trials can be had. There is where the congestion is most acute.

In addition to that the bill provides for the selection of jurors and has numerous provisions that have to do with the selection and duties of jurors, and manifestly an amendment of this kind is germane to this bill. Naturally there would be something in the amendment a little different in terms from the phraseology already in the bill, otherwise there would be no occasion for an amendment. But the main purpose of the amendment is closely akin to the purpose of the bill.

Mr. DOWELL. Mr. Chairman, wherever the amendment may be germane it certainly is not germane to the paragraph to which it is offered. The paragraph referred to and to which this is an amendment provides for securing quarters for the judges. That is an amendment to line 14.

Mr. AYRES. This is to insert a new paragraph.

Mr. DOWELL. It must be germane to the paragraph which it follows. Under this paragraph which the amendment seeks to amend there is no reference whatever to the subject matter in the amendment. The one prior to that provides for additional clerks, and this one provides for quarters for additional judges.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. If this is germane to any part of this bill, it certainly should be offered at the place where it is germane. I yield.

Mr. AYRES. All of the preceding paragraphs have relation to police judges and police courts. This is an entirely new section.

Mr. DOWELL. But it must be germane under the rules to the paragraph preceding it, and I submit that there is no more relation to this paragraph to which this amendment is offered than anything in the world, and this amendment certainly is not germane to this paragraph.

Mr. AYRES. Mr. Chairman, if there is any question as to whether it is offered at the wrong place, I am willing to withdraw it and offer it on page 6.

Mr. BLANTON. Mr. Chairman, if the gentleman will permit, if he will withdraw the amendment now and offer it at the bottom of the next section, I think it would be germane, and I would be in favor of his amendment.

Mr. AYRES. I do not care where it is offered. I am willing to withdraw it and offer it to the next section.

The CHAIRMAN. The Chair does not wish to be understood as saying that he would hold it in order as to any particular section. The Chair is satisfied that the second part of the amendment is not germane to the present section.

Mr. AYRES. Then I ask unanimous consent to withdraw it at this time and offer it later on.

The CHAIRMAN. The Chair does not desire to mislead the gentleman, however. The first part of the amendment in the opinion of the Chair is germane here. Whether it would be germane elsewhere would be a question to be determined later, in case the gentleman should withdraw his amendment and offer it later.

Mr. DOWELL. I am not objecting to the gentleman's amendment. I am objecting to the place where he has offered it to this bill.

Mr. AYRES. Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

JURORS FOR POLICE COURT

SEC. 4. (a) Section 45 of the District of Columbia Code is amended to read, as follows:

"SEC. 45. JURY: The jury for service in said court shall consist of 12 men, who shall have the legal qualifications necessary for jurors in the Supreme Court of the District, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in the police court shall be for one jury term and in any case on trial at the expiration of any jury term until a verdict has been rendered or the jury discharged. The jury terms shall begin on the first Monday and the third Monday of each month of the year. The jury term beginning on the first Monday of each month shall terminate at the end of two weeks, and the jury term beginning on the third Monday of each month shall terminate on the Saturday next preceding the beginning of the next jury term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury, as if said term had not commenced."

(b) The third paragraph of section 204 of the District of Columbia Code is amended so as to compose two paragraphs to read as follows:

"At least 10 days before the first Monday and at least 10 days before the third Monday of each month of the year the said jury commission shall likewise draw from the jury box the names of such number of persons as the police court of the District of Columbia may from time to time direct to serve as jurors in the police court and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors."

"At least 10 days before the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year the said jury commission shall likewise draw from the jury box the names of persons to serve as jurors in the juvenile court of the District of Columbia in accordance with sections 14 and 15 of the act of Congress approved March 19, 1906, creating the said juvenile court, and shall also draw from the jury box the names of persons to serve as jurors in any other court in the District of Columbia which hereafter may be given cognizance of jury trials, and shall certify the respective list of jurors to the clerk of the Supreme Court of the District of Columbia."

Mr. AYRES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 3, strike out the period and add the following: That the second paragraph of section 44 of the Code of Law for the District of Columbia is hereby amended to read as follows: "In all cases where the accused would not, by force of the Constitution of the United States, be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than \$300 or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year."

Mr. AYRES. Mr. Chairman, just a word. If you increase the number of judges to four, with the code as it is at the present time, they would not be able to clear the docket. The record shows that there are 117 cases undisposed of of drunken drivers, simply because each and every one of them can demand a trial by jury of 12 jurors. The code provides—that is, section 44—where the fine exceeds \$50 or 30 days in jail, the defendant can demand a trial by jury. In addition to the 117 cases not disposed of, of drivers that have run over people or have smashed automobiles, or for driving automobiles while drunk, there are 48 cases of exceeding the speed limit, where accidents have occurred in many instances. These are undisposed of, because they can demand a trial by jury. There is not a police court in any city in any State that I know of, with possibly the exception of two—Illinois and Texas—where an accused can demand a jury trial for the violation of an ordinance, and the supreme courts have held that these are petty offenses, and that the legislatures have a perfect right to delegate the power or authority to cities to pass ordinances that will not allow a trial by jury for such offenses.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. LAGUARDIA. In New York City our traffic court is composed of one magistrate and no jury, and he has jurisdiction up to six months and he handles hundreds of cases.

Mr. AYRES. I think there are only two States where it is provided that a man guilty of a petty offense of violating a city ordinance is entitled to a trial by jury as a matter of right.

Mr. WILLIAMSON. Will the amendment of the gentleman give any considerable amount of relief in the event that the new traffic bill should go through?

Mr. AYRES. Yes; indeed it will.

Mr. DOWELL. Mr. Chairman, does this cover the heavier penalties in the new bill which we are now considering?

Mr. AYRES. Yes; I think so, if I understand the gentleman's question.

Mr. DOWELL. Will this amendment cover this bill, with the penalties that are provided for in the bill?

Mr. AYRES. If they do not exceed a \$300 fine or three months' imprisonment.

Mr. LAGUARDIA. In reply to the gentleman's query, if the defendant waives a jury trial and is found guilty by the magistrate, the maximum that the magistrate could commit him for under the gentleman's amendment would be 90 days.

Mr. AYRES. Yes.

Mr. DOWELL. Then it covers the question.

Mr. AYRES. I hope this amendment will be adopted, because if gentlemen will talk to the present police judges they will find that it is utterly impossible, even if we increase the number of judges to six or seven, to even clear the docket as it is now.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. CRAMTON. I wonder if it will be agreeable to the gentleman to ask unanimous consent to modify the form of his amendment, making it stand as section 4, coming in following line 14, on page 4, instead of making it a part of the preceding paragraph? It will not change the effect, but it will put it in much better shape.

Mr. AYRES. Yes; I think that is where it ought to go.

Mr. CRAMTON. Then I ask unanimous consent that it be modified in that way, with the understanding that it shall not interfere with the rights of others to offer other amendments to the section now under consideration.

Mr. Chairman, owing to the fact there seems to be some apprehension as to the constitutionality of this amendment, I want at this time to call attention to a decision of the District Court of Appeals, which I feel sure clearly settles that question. I refer to the case of *Bowles v. District of Columbia* (22 App. 321). This is a case where the accused, Bowles, was prosecuted in the police court of the District for the violation of a municipal ordinance or police regulation for prohibiting the propulsion of horseless carriages on the streets of the city of Washington beyond a specific rate of speed under penalty of not less than \$1 nor more than \$40 for each offense. The accused demanded a jury trial as a matter of right and was refused. The court tried the case without a jury, found the accused guilty, fined him \$25, and in default of payment to be committed to the workhouse for 60 days. The code at that time governing such cases is the same to-day—that is, section 44 of the Code of Law of the District of Columbia—the second paragraph of which is as follows:

In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be \$50 or more, or imprisonment as punishment for the offense may be 30 days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine, it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

The only change this amendment I offer makes to that section of the code is to strike out the figures "\$50" and insert "\$300," and to strike out "30 days" and insert "90 days."

Now, the contention of Bowles was that he was entitled to a trial by jury for the following reasons:

First, on the ground that the offense charged is one which in common law would have entitled him to trial by jury as well as under the code itself by a proper construction of its provisions; and, second, that the provision of the code, which I have just cited, is null and void in so far as prohibiting a trial by jury in cases where the fine may be as high as \$40, and imprisonment either for nonpayment of fine or otherwise may be for a period of one year.

That is the contention on the part of some here this afternoon in arguing against the proposed amendment—that it provides for the infliction of punishment of imprisonment which might be for more than 30 days; in fact, as much as a year. This is in default, of course, of the payment of the fine imposed. As the court of appeals has said, if that argument were well founded every violator of a municipal ordinance would have to be tried by jury, for it would always be in the power of the accused to refuse to pay the fine imposed and thereby

force imprisonment if the municipal ordinance is not to become a nullity and mockery. It must suffice to say that under such a construction of the law, which would practically allow a party to take advantage of his own wrong, municipal ordinances would become worthless and municipal chaos would take the place of law and order. The condition which would be superinduced would be intolerable.

I should think all would agree that it is necessary to provide a means or mode for the enforcement of fines imposed as punishment. If no provision was made for the enforcement of these fines by punishment it would be useless to impose fines. As I have heretofore stated and shown the present code provides for imprisonment of not to exceed one year in the way of punishment for failure to pay fines and that provision has not been changed in the least by the proposed amendment I offer, and I can not see that the arguments made here this afternoon against this amendment because of that provision, are good in the face of the decision of the court of appeals in the *Bowles* case, which I have just called to your attention.

I am quite sure I would not think of offering an amendment to the code in providing for a method or means of punishment for violation of an ordinance in which there is doubt as to the constitutionality of same and I do not feel the arguments made here this afternoon against this amendment that if adopted it would deprive the accused of his constitutional rights of trial by jury are very sound, and I am very much in hopes that the amendment will be adopted for, as I have already said, the adoption of same will do more to assist in clearing the docket of the fearful congestion that now exists than appointing six or seven judges and leave the code as it is at the present, allowing every offender of petty offenses a trial by jury.

Mr. BLANTON. We have got some important amendments to the section.

Mr. CRAMTON. I am protecting that in my request.

Mr. BLANTON. I make the point of order that the gentleman from Kansas has the floor, and he can not take the gentleman off the floor.

The CHAIRMAN. There is a unanimous-consent request, to which the gentleman from Kansas yielded. The gentleman from Michigan asks unanimous consent that the present amendment may be modified so as to appear as a separate section, No. 4, following section 3 of the bill as reported. Is there objection?

Mr. CRAMTON. Without interfering with the offering of other amendments.

The CHAIRMAN. Is there objection?

Mr. DOWELL. Mr. Chairman, reserving the right to object, may I ask the gentleman from Michigan a question? In what respect—I am for the amendment—would it be better in that form of a new section than as originally proposed?

Mr. CRAMTON. For this reason: It is now put in as a proviso to a paragraph in reference to assignment of jurors to juvenile and other courts. It is much better to have it stand by itself as a separate paragraph.

Mr. DOWELL. I withdraw the reservation.

The CHAIRMAN. Is there objection?

Mr. BLANTON. This amendment is not objectionable, and if the gentleman from Maryland will accept it, we will get the greatest obstacle out of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. The time of the gentleman from Kansas has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. BLANTON. Not now; we have got two important amendments to come.

Mr. CRAMTON. I have one amendment, but I do not think I shall desire five minutes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. BLANTON. Hold it up a while; let it run along a little further.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BLANTON. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. RATHBONE. Mr. Chairman, I ask unanimous consent for one minute in which to ask the gentleman from Kansas a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RATHBONE. I want to ask the gentleman, for whom I entertain a high regard, if he does not think imprisonment for 90 days can be classed as a petty offense and if he is willing to have the law stand that a man who is claimed to have violated the provisions of this traffic act can at the whim, if you please, by decision of a magistrate, be locked up for 90 days without having the privilege of trial by a jury of his peers?

Mr. AYRES. I will say to the gentleman that the question of punishment does not govern in arriving at what constitutes a petty offense and that the constitutional right guaranteed to anyone, whether charged with a petty offense or otherwise, is not denied in my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RATHBONE. One minute to put a single question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RATHBONE. I desire to ask the gentleman from Kansas if he would not be willing to separate this amendment so as to provide in cases of fine there should be no jury trial, but in cases where the decision of the magistrate might result in imprisonment for 90 days under certain circumstances there should be a jury trial?

Mr. AYRES. I do not think we should make a distinction of that kind. If we did, it would be passing legislation here to cover every particular offense and to provide all kinds of penalties to cover each.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I have no objection to fixing it so that we can have a summary trial provided this amendment comports with the Constitution, which guarantees the right of trial by jury. Now, you will find in a number of cases where they allow you to have six jurors to try that the requirements of the Constitution are complied with when it gives the right of appeal and trial de novo. Now, the right of trial by jury in the District of Columbia has been decided by the Supreme Court, and if you attach to that the right to put this man in prison I have my doubts as to the right to do that without trial by jury.

Mr. AYRES. If the gentleman will yield, I will say that in volume 22, Reports of the Court of Appeals of the District, they have decided that an amendment of this kind, not necessarily of this kind, but a party charged with the offense of violating the code is entitled to a jury trial as a matter of right under the Constitution, and therefore it would be constitutional for an amendment of this kind.

Mr. McKEOWN. That is where they were liable to be confined in prison.

Mr. AYRES. Oh, yes.

Mr. McKEOWN. If they have decided that, that is different from anything I am aware of in relation to the Supreme Court of the United States.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LaGUARDIA. Our city magistrates have jurisdiction up to six months for misdemeanors, and that has been sustained.

Mr. McKEOWN. That is under your State constitution?

Mr. LaGUARDIA. Yes. It has come up to the Supreme Court.

Mr. WINGO. The Supreme Court of the United States has held that this inhibition does not apply to the States. The States may provide just as has been done by the State of New York, but they have held that in a criminal trial in the Federal court—and those include the District of Columbia—it is bound by this sixth amendment, and you must have the right to be tried by jury.

Mr. McKEOWN. That should apply to cases where punishment is given by fine. That would meet the requirement of the Constitution. But if you imprison a man without the right of trial by jury you would strike out the law.

Mr. AYRES. I have in mind a case which I will put in the RECORD. I have forgotten the exact title of the case, but it covers this exact point.

Mr. McKEOWN. Is that in the District Code?

Mr. AYRES. Yes. The very code I am speaking of.

Mr. BLACK of New York. In what section of the District Code is that?

Mr. AYRES. Section 24. The court held there, in the manner I mentioned, in construing the present code, where a fine was provided for over \$40.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. Of course, it has been stated that the present code provides now that where the fine is not over \$50 there is not any jury.

Mr. McKEOWN. I will not object to that.

Mr. BLANTON. I think the amendment of the gentleman from Kansas [Mr. AYRES] is absolutely in order. It is constitutional. We ought to pass it. It will be the greatest boon that the people here ever had.

Mr. McKEOWN. If it can be done, I would have no objection to it.

Mr. BOYCE. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BOYCE. The proposed amendment provides for what is tantamount to a waiver of a jury trial by an accused charged with a misdemeanor in a police court. The amendment does not deny the accused the right to a jury trial, but it expressly preserves it to him, if he demands such a trial.

Mr. McKEOWN. My understanding is that the gentleman's amendment does more than that.

Mr. AYRES. No. I am not seeking to amend the whole code.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the debate on the amendment offered by the gentleman from Kansas be now closed.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the debate on the amendment offered by the gentleman from Kansas be now closed. Is there objection?

Mr. ZIHLMAN. Mr. Chairman, I wish to modify that and make it at the expiration of five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, may we have the amendment again read?

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to speak for five minutes out of order.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the committee for five minutes out of order. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, I can not let this opportunity pass without registering my protest against the breach of one of the most wholesome and time-honored practices this House has ever known—that of reading Washington's Farewell Address in the House on every anniversary of his birth. [Applause.]

When his birthday falls on Sunday, as it did on yesterday, the practice has been to read it the following day.

I was over in the Senate a few moments ago, and they were reading his Farewell Address, in accordance with the custom that is almost as old as this Government. That document is perhaps the greatest contribution to American literature. It has in it the combined wisdom of all the great leaders of his time. It has been the greatest inspiration to the American people for more than a hundred years in guiding them through the troublous times through which they have passed; and I am of the opinion that whenever this House begins to let that anniversary pass without reading that great document it will set a precedent that will redound to the detriment of American institutions in the years to come, as well as to the just criticism of the American Congress.

I sincerely trust that before the hour of adjournment arrives an arrangement will be made to have the Clerk of the House read from the rostrum this great message, the greatest manifestation of American patriotism to be found in all the records of this great Republic. [Applause.]

Mr. CRAMTON. The gentleman, I am sure, will be very glad to know that the Speaker has already designated the gentleman from Montana [Mr. LEAVITT] to read the Farewell Address.

Mr. RANKIN. I raised this question when the House first convened, and the Speaker, as I recall, said that he did not know anything about it; that it was not for the Speaker to decide. He first thought that it was read at the memorial services on yesterday; then he said it was not. It is now about 4 o'clock in the afternoon. The legislative day has almost expired, and if we continue the consideration of this bill until it is finished, it will take the entire day.

Mr. CRAMTON. The Speaker—I do not know but it may be in consequence of the inquiry of the gentleman from Mississippi—has designated the gentleman from Montana to read it if called for by the House. The gentleman from Mississippi

has the same right as any one else to make the request. His present remarks would stand and be construed as a request.

Mr. RANKIN. As I said, I raised this question when the House first convened in the hope that some of the Members in control of the legislative program would have this address read.

Mr. CRAMTON. I say that probably resulted in the Speaker's action.

Mr. BLANTON. When we have passed the traffic bill there will be another bill taken up directly, and the gentleman will then be given the opportunity to have the address read.

Mr. RANKIN. I decline to yield further. I wanted to call the attention of the House to this matter again and to express the hope that the House will not adjourn without having read, in accordance with a time-honored custom, that immortal farewell message of the Father of his Country. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. AYRES].

The question was taken; and on a division (demanded by Mr. ABERNETHY) there were—ayes 38, noes 5.

Mr. ABERNETHY. Mr. Chairman, I raise the point of order that there is no quorum present. Pending that, if the Chair and the committee will permit, I would like to ask the gentleman from Kansas a question.

Mr. BLANTON. Mr. Chairman, that is not permissible.

Mr. ABERNETHY. I insist on the point of order, then.

Mr. RANKIN. Mr. Chairman, I move that the committee do now rise.

Mr. ABERNETHY. If I can get this information I will withhold the point of order. Can I not ask a question for information?

Mr. BLANTON. The gentleman cut himself out by making the point of no quorum. If the gentleman will withdraw his point of no quorum he can ask all the questions he pleases.

Mr. ABERNETHY. I can not withdraw it without asking the question.

Mr. BLANTON. If the gentleman will withdraw it he can ask all the questions he pleases.

Mr. ZIHLMAN. I ask the gentleman from North Carolina to withdraw his point of order of no quorum and let us get along with this bill.

Mr. ABERNETHY. If the chairman of the committee will permit, I just want to ask a question for information of the author of this amendment.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent—

The CHAIRMAN. The gentleman from North Carolina has the floor and has made a point of order of no quorum.

Mr. ABERNETHY. Mr. Chairman, I will withhold it temporarily if the committee will permit me to ask a question for information.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed one minute in which to ask a question.

Mr. BLANTON. Mr. Chairman, I move to make it two minutes in which the gentleman from North Carolina may have time to ask questions of the gentleman from Kansas.

Mr. ABERNETHY. I would like to ask the author of this amendment whether or not—

The CHAIRMAN. The Chair desires to know whether the gentleman from North Carolina raises the point of no quorum. If he does—

Mr. ABERNETHY. Mr. Chairman, I withhold that for the time being.

The CHAIRMAN. The point can not be withheld. The gentleman either raises it or he does not raise it.

Mr. ABERNETHY. Mr. Chairman, I withdraw it.

Mr. RANKIN. Mr. Chairman, I make the point of no quorum. In order that we may have the Farewell Address of the Father of our Country read, I make the point of order of no quorum, so that we may get back into the House.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise, and on that I ask for tellers.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise and asks that the question be taken by tellers. As many as are in favor of taking the question by tellers will rise and stand until counted. [After counting.] A sufficient number have arisen, and tellers are ordered.

The Chairman appointed as tellers Mr. ZIHLMAN and Mr. BLANTON.

The committee divided; and the tellers reported—ayes 12, noes 91.

The CHAIRMAN. The motion that the committee rise is not agreed to, a quorum is present, and the amendment offered by the gentleman from Kansas is agreed to.

Mr. BLANTON. Mr. Chairman, I have an amendment on the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 19, after the word "men," add the following: "in all felony cases, but in all misdemeanor cases where a jury trial is authorized the jury shall be composed of six men, with right of appeal."

Mr. BLACK of New York. Mr. Chairman, I make a point of order against the amendment.

Mr. BLANTON. Mr. Chairman, it is not subject to a point of order.

Mr. BLACK of New York. Mr. Chairman, I make a point of order against the amendment, on the ground that the amendment is not in order because it calls for a jury of six persons to try a man accused of a crime in a Federal court. The courts have uniformly held that Article VI of the Federal Constitution requires that in the Federal courts there shall be a jury of 12 persons.

Mr. BLANTON. Even if that were true, this committee is not controlled by constitutional provisions.

The CHAIRMAN. The Chair will say, first, that in the opinion of the present occupant of the chair the constitutionality or nonconstitutionality of a pending amendment or bill very rarely, if ever, becomes a subject for consideration by the Presiding Officer of the House or of the committee upon a point of order, and the Chair does not believe that the constitutional question is now before the Chair for consideration.

Mr. BLACK of New York. Will the Chair hear me on that?

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. BLACK of New York. As the rules of the House derive their only authority from the Constitution, I think that when a problem is presented to the House that may be affected by the Constitution you can go back of the rules of the House and raise a parliamentary objection to a pending proposition on the ground that it contravenes the Constitution. The rules of the House can be no better than the Constitution.

The CHAIRMAN. The Chair will call attention to the House Manual and Digest, the edition of 1923, page 271, in which is to be found the following sentence:

He—

The Speaker or the Chairman of the committee, as the case may be—

does not decide on the legislative effect of propositions or on the consistency of proposed action with other acts of the House, or on the constitutional powers of the House, or on the propriety or expediency of a proposed course of action—

Citing precedents.

The rules of the House state well-defined limits within which the Chairman of the committee or the Speaker of the House must rule upon propositions offered for the consideration of the House or the committee.

With reference to the question of germaneness, the Chair will say that the language on page 4, line 18, of the bill reads as follows:

The jury for service in said court shall consist of 12 men, who shall have the legal qualifications necessary—

And so forth. In other words, the section does treat of the number of men who shall constitute a jury for the trial of cases in the police court of the District of Columbia. The proposed amendment merely modifies that by providing that there shall be 12 men in felony cases and 6 men in misdemeanor cases.

The Chair thinks the amendment very clearly is germane. The point of order is overruled.

Mr. BLANTON. Mr. Chairman—

Mr. ZIHLMAN. Will the gentleman yield for me to submit a unanimous-consent request?

Mr. BLANTON. In just a moment I will yield.

Gentlemen, I am extremely delighted that this committee is honored this afternoon with the presence of our chairman of the Committee on Appropriations [Mr. MADDEN]. With his help we may pass this amendment. The gentleman is in favor of it and knows the need of it. He knows the necessity of it

He has almost injured his health working in the committee rooms of the Committee on Appropriations trying to reduce the expenditures of this Government.

This is not a radical amendment to the law. This is a conservative, salutary amendment to the law. Name me a single State in this Union that does not in misdemeanor cases permit a jury of six men. You can not name me a one now that does not so provide.

Mr. RATHBONE and Mr. McKEOWN rose.

Mr. BLANTON. Mr. Chairman, I am not going to yield my time away now to my good friend, the distinguished gentleman from Illinois [Mr. RATHBONE]. The gentleman deserves great praise for his splendid work done on this bill, but he is one of those technical lawyers who want to pass a substitute Senate bill whether it is good or bad. I want to pass a Senate bill when it is as good as the bill my Illinois friend helped to write, but when it is bad I want to amend it.

Mr. RATHBONE. I will show the gentleman the provision of the Constitution of the United States.

Mr. BLANTON. I ask that the distinguished gentleman please permit me to get through with my short speech.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. I am sorry I can not yield now, I have not the time.

This bill, if you adopt my amendment, will give a jury of 12 men to every criminal charged with a felony. If you adopt my amendment it will give a jury to every man charged with a crime where the punishment is over \$300, and if you adopt the amendment which I propose and which I have written and introduced here at the suggestion of the chairman of the Committee on Appropriations, when a man is charged with a little misdemeanor down here and the law otherwise does not give him the right to demand a jury trial, he can be tried by six men, and necessarily that does not cost the Government so much money.

Down in my State, in the county court, every county court jury that tries criminal cases of less degree than a felony tries them with a jury of six men. In my State every civil action that involves not more than \$1,000 is tried in the county court before a jury of six men. In every police and justice of the peace court in that great State of Texas the criminals are tried by a jury of six men.

I know that criminal lawyers who do criminal practice want juries of 12 men. Why? They can always expect to get 1 out of the 12 to hang the jury in favor of the criminal.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman and gentlemen of the committee, I wish it were possible to have in the District of Columbia a trial by a jury of only six men, but I want to ask the attention of the committee while I cite you to the fact that the Supreme Court of the United States has held in five cases that the right of trial by jury and the jury referred to in the sixth amendment of the Constitution means the old, common-law jury of 12 men. It has further decided in at least three cases that that provision applies to the District of Columbia and to the Territories.

The gentleman says that down in Texas they can try them with six men. That is true.

The Supreme Court has held, and I will read you the citation from Senate documents, volume 3, as follows:

The jury referred to is a jury constituted, as it was at common law, of 12 men, but this requirement applies to prosecutions in the Federal courts alone; it does not guarantee trials by jury in the State courts, and so does not preclude a trial without jury in a State court, or a trial with a jury of less than 12 men.

In other words, if you will take the history of the sixth amendment, you will find it was specifically intended by the founders that this restriction should apply to trials in the Federal courts, and for that reason State courts are only limited by the restrictions of their own constitutions.

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman.

Mr. BLANTON. The distinction is that the Congress with respect to matters in the District of Columbia has the same jurisdictional powers and the same legislative powers that a legislature has over any State.

Mr. WINGO. I know that, but the Supreme Court has held in three cases—Capital Traction Co. v. Hoffman (174 U. S.), Reynolds v. United States (98 U. S.), and Lovato v. New Mexico (242 U. S.)—that this amendment, referring to the sixth amendment, is applicable to trials in the courts of the District of Columbia and the Territories.

In other words, if a man is entitled to a trial by jury at all in the District of Columbia and in the Territories and in every Federal court—if he is entitled to demand a jury trial, the Supreme Court has held that that means a common-law jury of 12 men.

We can not do in the District of Columbia like they may in Texas. There the State permits a jury in misdemeanor cases of less than 12 men. That question has been settled by the Supreme Court and you would absolutely destroy your whole provision if you provide for 6 men instead of 12.

Mr. CONNALLY of Texas. Has not the court further held that it does not guarantee a jury trial in State courts, that this is a limitation on the Federal courts, and not the State courts.

Mr. WINGO. In other words, they were trying to prevent what they feared was tyranny of the Federal courts, and they provided that as far as the Federal courts are concerned, the right of trial by jury was preserved and they guaranteed that right as defined by common law, that that right should not be denied him, and the Supreme Court has held that right was not only to a jury but to a jury of 12 men, and it could not be set aside by any legislative provision.

Mr. RATHBONE. Mr. Chairman, I desire to call attention to Article VI of the Bill of Rights of the Constitution of the United States, which reads as follows:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

That deals with Federal courts. Later on, in Article XIV, an amendment was adopted to the Constitution of the United States, which deals with the subject of jury trials in the State courts and that is a totally different matter, and has been so construed by the Supreme Court of the United States. That reads:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

Now it appears clear, gentlemen, that if we are going to have a law that will stand the test of the Supreme Court, that will be constitutional, we must make it stand on the provisions of the Bill of Rights, Article VI, that guarantees every person in the District in all criminal prosecutions without distinction, whether they are felonies or misdemeanors, all criminal prosecutions, a trial by jury. That means, as the gentleman from Arkansas has said, and no lawyer here will dispute its accuracy, that means the common-law jury, a jury of 12 men, the only jury known to the common law.

In other words, Article VI of the Bill of Rights was to preserve the rights and liberty of the people of the District of Columbia, which is the same as a Territory, and does not extend to the States. That is the plain difference between the two. I am satisfied that if we have ever passed this amendment we would have a flaw in this law, and it will be to that extent unconstitutional.

Mr. BLACK of New York. Mr. Chairman and members of the committee, this is no time to break down the barriers surrounding criminal juries. I have a case in point—Rasmussen against the United States. The Oregon code that was passed for Alaska covered misdemeanors and permitted jury trials by six persons. Here is the case in the One hundred and ninety-seventh United States Reports, page 516, Rasmussen v. the United States—this is the syllabus:

Under the treaty with Russia ceding Alaska and the subsequent legislation of Congress, Alaska has been incorporated into the United States and the Constitution is applicable to that Territory, and under the fifth and sixth amendments Congress can not deprive one there accused of a misdemeanor of trial by a common law jury, and that paragraph 171 of the Alaska Code (31 Stat. 358), in so far as it provides that in trials for misdemeanors six persons shall constitute a legal jury, is unconstitutional and void.

That case directly covers this situation.

Mr. MADDEN. Is this police court a Federal court?

Mr. BLACK of New York. It has been construed as a Federal court. This case was argued November 4, 1904, and was decided in 1905.

Mr. McKEOWN. Mr. Chairman, I think that not only this amendment is unconstitutional, but the amendment of the gentleman from Kansas [Mr. AYRES] goes too far. The Supreme Court has decided that question in the case of United States against Wilson, where the United States Supreme Court held that in the District of Columbia you could not deprive a man of a trial by jury except in such petty cases at common law as were not tryable by a jury. That is the reason why I wanted to call the attention of the gentleman from Kansas [Mr. AYRES] to the fact that if he so drafted his amendment as not to provide for imprisonment he could get by with it and have a summary trial, but I announce here now that you can not try a man in the District of Columbia where the punishment may be confinement in prison without the right of trial by jury, and you can not evade that by giving them six jurors in the police court with a trial de novo in the Supreme Court of the District, because the Supreme Court has held that that is a mere mockery, that a man is entitled to a trial upon the first instance in the courts by a jury of 12 men. It is unfortunate that the condition here is not the same as in the States, where you can try men in the courts summarily, and, as I remember it, in New York City they try them so fast sometimes that you can hardly keep up with them. That is not the case here. Here it is a matter of whether you are going to pass a law that will be constitutional or a law that will get immediately into the courts and be stricken down.

Mr. WILLIAMSON. Does not the gentleman think there is a distinction between a police court of the District of Columbia and the ordinary Federal court?

Mr. McKEOWN. No; the Supreme Court of the United States says that there is no distinction in the District of Columbia. The case of Callan against Wilson so holds. That is the case that went from the police court. I call the gentleman's attention to the case and he can satisfy himself. In the police court of the District of Columbia they tried a gentleman and deprived him of his right of trial by jury. He went to the Supreme Court under a writ of habeas corpus, and that court said there was only one class of cases in the District of Columbia which could be tried summarily, and those were such cases as commonly were classed as petty cases, and that means cases where no imprisonment can result. If you want that amendment to stand up you had better strike out the language referring to imprisonment. I call attention to just what the Supreme Court says. I am reading now from *Thompson v. Utah* (170 U. S. Repts. 349):

Assuming then that the provisions of the Constitution relating to trials for crimes and to criminal prosecutions apply to the Territories of the United States, the next inquiry is whether the jury referred to in the original Constitution and in the sixth amendment is a jury constituted, as it was at common law, of 12 persons, neither more nor less. (2 Hale's P. C. 161; 1 Chitty's Cr. Law, 505.) This question must be answered in the affirmative. When Magna Charta declared that no freeman should be deprived of life, etc., "but by the judgment of his peers or by the law of the land," it referred to a trial by 12 jurors.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. RANKIN. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Blanton amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 5, noes 52.

So the amendment was rejected.

The CHAIRMAN. The Chair calls attention to the fact that this section is No. "4." A previous section 4 having been adopted, without objection the Clerk will be authorized to renumber this and the succeeding sections. Is there objection?

There was no objection.

The Clerk read as follows:

DIRECTOR OF TRAFFIC—REGULATIONS

SEC. 5. (a) The commissioners are hereby authorized to appoint an assistant chief of police to be known as the director of traffic who, under the direction of the chief of police of the District of Columbia, shall perform the duties prescribed in this act and such additional duties, not inconsistent therewith, in respect of the regulation and control of traffic in the District, as the commissioners may require.

The term of office of the director shall be three years and his salary shall be fixed in accordance with the classification act of 1923. The director shall be subject to removal by the commissioners for cause.

(b) The director is hereby authorized, beginning 50 days after the enactment of this act, (1) to make reasonable regulations with respect to brakes, horns, lights, mufflers, and other equipment, the speed and parking of vehicles, the registration of motor vehicles, the issuance and revocation of operators' permits, and such other regulations with respect to the control of traffic in the District not in conflict with any law of the United States as are deemed advisable, and (2) to prescribe within the limitations of this act reasonable penalties of fine, or imprisonment not to exceed 10 days in lieu of or in addition to any fine, for the violation of any such regulation. Such regulations shall become effective when adopted and promulgated by the commissioners in accordance with law.

(c) Regulations promulgated under subdivision (b) shall, when adopted, be printed in one or more of the daily newspapers published in the District, and no penalty shall be enforced for any violation of any such regulation which occurs within 10 days after such publication, except that whenever it is deemed advisable to make immediately effective any regulation relating to parking, diverting of vehicle traffic, or closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. The placing at or upon the public highway of any sign relating to parking or the regulation of traffic, except by the authority of the director is prohibited.

(d) The commissioners are hereby authorized to appoint one additional assistant to the corporation counsel, whose salary shall be fixed in accordance with the classification act of 1923.

The CHAIRMAN. The Chair calls attention to the spelling of the word "the," in line 6, page 8. Without objection the spelling will be corrected.

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 6, line 16, strike out all after the word "appoint" down to the word "the" in line 16 and insert "a," so that it will read "to appoint a director of traffic."

Mr. BLANTON. Mr. Chairman, if the gentleman will permit at this time, I offer a substitute for that, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON as a substitute to the amendment offered by Mr. ZIHLMAN: Page 6, line 16, after the word "appoint," strike out the balance of line 16, all of line 17, and that part of line 18 down to and including the word "Columbia" and insert in lieu thereof the following: "a director of traffic who"—

Mr. ZIHLMAN. Mr. Chairman, is not that practically the same amendment?

Mr. BLANTON. The only difference is that my substitute conforms to what the joint committee of the House and the Senate agreed upon without a dissenting vote, if I remember correctly, while the gentleman's amendment does not meet their agreement at all. That joint committee agreed upon a director of traffic who should have charge of the traffic of the District of Columbia. The gentleman makes him a submissive officer to the present major and superintendent of police.

Mr. ZIHLMAN. Mr. Chairman, I understand the difference between the gentleman's amendment and mine. This bill was amended on the floor of the Senate to provide that the director of traffic should be the assistant to the chief of police. The idea of the joint committee, as I understand it, was that we should obtain for the director of the traffic the best man obtainable, and that his classification and compensation should be left to the discretion and judgment and finding of the Classification Board under the classification act. The committee did debate the matter as to whether this director should be under the direction and jurisdiction of the chief of police or not, and it was decided in the committee that we should not set up here in Washington a dual system of traffic control, that the enforcement of this act must necessarily depend upon the members of the Metropolitan police force of the city, and that we should not set up a director for the enforcement of the provisions of this act who was not directly under the authority of the chief of police.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. I am heartily in accord with the gentleman as to that portion of his remarks, but I want to know just what the effect of the gentleman's amendment will be upon

the salary. I suppose the gentleman knows what the salary of an assistant chief of police would be?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. What will be the salary of the director of traffic?

Mr. ZIHLMAN. Well, I would say to the gentleman—

Mr. CRAMTON. What is the salary of assistant chief of police?

Mr. ZIHLMAN. Three thousand, five hundred dollars a year is the salary of the assistant chief of police, and we could not get a satisfactory man as director of the traffic at a small salary, and it would result in designating one of the lieutenants of police to do this work. It is the idea of the committee that we should have the very best man obtainable and it is our opinion he would be classified in the same classification as the chief of police.

Mr. CRAMTON. Is it intended that there shall be promoted the present traffic officer at a very generous raise of pay?

Mr. ZIHLMAN. I will say to the gentleman that the appointment of a director of traffic is left to the discretion of the Commissioners of the District of Columbia, and the committee did not attempt to provide they should appoint or not appoint a member of the present police force.

Mr. CRAMTON. Is it the gentleman's expectation that a more liberal salary would permit the bringing in of a more expert assistant rather than just being a polite form of making a generous salary to some one already in the service?

Mr. ZIHLMAN. I will say to the gentleman that it was the opinion of the committee that we should obtain the very best man that is possible to get for this position, and it was the hope of the committee that the commissioners would appoint some one who has given thought and study to the many problems arising out of modern motor vehicle traffic, and if necessary they could go beyond the confines of the District in securing such a man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, there is just this difference in the two propositions: If you adopt the amendment of the gentleman from Maryland [Mr. ZIHLMAN], you have a director of traffic, which you say in another line of the bill shall be under the direction of the chief of police. There is no such officer in the District of Columbia as "the chief of police." There is no such official. There is no such officer here known to the law. The man who acts as a chief of police is designated as "major and superintendent of police." He is Major Sullivan. You do not want this new official to be director of traffic under the direction of a straw man. I do not want him to come under the direction of anybody. I wish you could have heard the expert director of traffic from New York City who came down and testified before the joint Senate and House committees. I never saw before such efficiency in my life displayed by any one executive.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. I wish we had in the District of Columbia and everywhere else a traffic director like that in New York.

Mr. LaGUARDIA. And Doctor Harris serves without salary.

Mr. BLANTON. He is one of the finest traffic experts I ever heard testify. I wish Washington could get one like him.

Mr. HAMMER. My information from all sources is that the police authorities there depend upon him for information, and he did not depend upon anyone.

Mr. BLANTON. You go to New York City and try to violate the traffic laws and you will find out his efficiency in about two minutes.

Mr. GASQUE. And is it not a fact also that if we put him under the major of police we will have no traffic director?

Mr. BLANTON. You will thus give him no chance whatever to bring about better conditions or to display his own initiative and genius. I want a change, to stop these fellows running at high speed, joy riding over safety platforms, and killing five people at a time.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. WILLIAMSON. Will this director of traffic exercise police powers?

Mr. BLANTON. He is to be the head of all traffic regulations.

Mr. WILLIAMSON. With the authority to arrest?

Mr. BLANTON. Certainly. He makes the rules and regulations and the police department under him enforce them.

Mr. LaGUARDIA. And he has power to detail men where he wants to?

Mr. BLANTON. Yes. It should be just exactly like the law of New York.

Mr. LaGUARDIA. He is deputy police commissioner.

Mr. BLANTON. It should be exactly the same with this man. I expect to offer another amendment that puts him at the head of the enforcement of all traffic regulation and hope that the gentleman will support me.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. HUDSPETH. The gentleman from New York stated that the traffic director of New York served without pay?

Mr. BLANTON. This is a \$7,500 job in this case before us.

Mr. HUDSPETH. Has the gentleman ever found a man in the District of Columbia who was willing to work without pay?

Mr. BLANTON. No; but we ought to be able to find a good one for the \$7,500. No matter which amendment is adopted the man whom you create is going to get \$7,500 under the present law, because you provide he shall get the salary fixed by the classification act, and that salary is \$7,500 for every director, so the salary question is not involved.

Mr. THATCHER. Mr. Chairman, will the gentleman yield there for a question?

Mr. BLANTON. I yield.

Mr. THATCHER. To whom will the director you propose report?

Mr. BLANTON. To nobody. He is at the head of traffic regulations and enforcement, and Congress will look to him and to the police department to see that we have proper law enforcement here. If he and the police do not do their duty, we know how to get behind them.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. Who appoints him?

Mr. BLANTON. I would like to see the President do it, so that it would not embarrass the commissioners. The bill provides that the commissioners shall do it. But in any event the director of traffic ought to be the head of his department. That is the idea of my friend from Illinois [Mr. RATHBONE]. I am backing him up on it. I hope you will adopt it.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. BLANTON. I object.

Mr. HAWES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Maryland moves that the debate on this section and all amendments thereto close in five minutes. The question is on agreeing to that motion.

Mr. DOWELL. Mr. Chairman, I move an amendment by making it close now.

Mr. BLANTON. Mr. Chairman, I offer a substitute.

The CHAIRMAN. One at a time. The gentleman from Iowa moves that the debate be closed now.

Mr. BLANTON. I offer a substitute to the amendment of the gentleman from Maryland. This is one of the most important provisions we have. I offer a substitute, that the debate close in 20 minutes.

The CHAIRMAN. The gentleman from Texas moves as a substitute that the debate close in 20 minutes. The question is on agreeing to that motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 26, noes 53.

So the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Iowa, that the debate do now close.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that the demand for a division came too late.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 51, noes 15.

So the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Texas [Mr. BLANTON] as a substitute for the amendment offered by the gentleman from Maryland [Mr. ZIHLMAN].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 31, yeas 38.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the motion offered by the gentleman from Maryland.

The motion was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 8, after the word "advisable," strike out the period and insert a comma and add "shall remain in force until revoked by the director with the approval of the commissioners."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. HAMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 8, line 23—

The CHAIRMAN. The Chair will state that that section has not yet been reached. The Clerk will read.

The Clerk read as follows:

OPERATORS' PERMITS

SEC. 6. (a) Upon application made under oath and the payment of the fee hereinafter prescribed, the director is hereby authorized to issue annually a motor-vehicle operator's permit to any individual who, after examination, in the opinion of the director, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The director shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration of his ability to operate a motor vehicle within a congested portion of the District and in the presence of such individuals as he may authorize to conduct the demonstration, except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the director. Operators' permits shall be issued for a period not in excess of one year expiring on March 31, renewable for periods of one year upon compliance with such regulations and the payment of such fee, not exceeding \$1, as the director of traffic may prescribe. The fee for any such permit shall be \$2 except that in case of any permit which will expire within less than six months of the date of its issuance the fee shall be \$1. In case of the loss of an operator's permit the individual to whom such permit was issued shall forthwith notify the director, who shall furnish such individual with a duplicate permit. The fee for each such duplicate permit shall be 50 cents. No operator's permit shall be issued to any individual under 16 years of age; and no such permit shall be issued to any individual 16 years of age or over but under 18 years of age for the operation of any motor vehicle other than a passenger vehicle used solely for purposes of pleasure and owned by such individual or his parent or guardian, or a motor cycle, or a motor bicycle.

(b) Each operator's permit shall (1) state the name and address of the holder, together with such other matter as the director may by regulation prescribe, and (2) contain his signature and space for the notation of convictions for violations of the traffic laws of the District.

(c) Any individual to whom has been issued a permit to operate a motor vehicle shall have such permit in his immediate possession at all times when operating a motor vehicle in the District and shall exhibit such permit to any police officer when demand is made therefor. Any individual failing to comply with the provisions of this subdivision shall, upon conviction thereof, be fined not less than \$2 nor more than \$40.

(d) The director shall provide by regulation for the issuance without charge, upon application therefor, of operators' permits under the provisions of this act to individuals in possession of operators' permits issued to such individuals in the District prior to the enactment of this act. Such permits shall be issued with or without the examination and practical demonstration provided in subdivision (a) of this section, as the director may deem advisable. All such permits shall expire on March 31, 1926.

(e) No individual shall operate a motor vehicle in the District, except as provided in section 7, without having first obtained an operator's permit issued under the provisions of this act. Any individual violating any provision of this subdivision shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than one year, or both.

(f) Nothing in this act shall relieve any individual from compliance with the act entitled, "An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire," approved January 29, 1913.

Mr. HAMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 8, line 23, after the word "demonstration" and before the word "be," strike out the word "may" and insert "shall"; after the word "waived" strike out the words "in the discretion of the director" and insert the following: "unless written complaint is made and filed with the traffic director, and in all such cases the applicant shall have reasonable opportunity to show that he is a fit person to operate a motor vehicle."

And on page 9, line 1, after the word "renewable" and before the word "for," insert the words "as hereinbefore provided in this section."

Mr. HAMMER. Mr. Chairman, in order that that may be complete it is necessary to consider another amendment with it.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that a further amendment may be read for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment proposed by Mr. HAMMER: On page 10, line 11, after the word "issued" and before the word "without," strike out the words "with or"; on page 10, line 13, after the word "section," retain the comma and strike out the words "as the director may deem advisable" and insert the words "unless the traffic director has information that the applicant is not a fit or suitable person to whom a license should be issued."

Mr. ZIHLMAN. Mr. Chairman, I have no objection to those amendments.

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The CHAIRMAN. The question is now on the second amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 8, line 11, strike out the word "annually."

Mr. BLANTON. Mr. Chairman, my amendment deals only with the operator's permit; it has nothing to do with getting annual number tags. Number tags ought to be gotten annually, but it is all foolishness to renew these licenses for operators every year as a matter of course. What is the use of forcing a man who already has an operator's permit to go down here every year and get a new one. He is presumed each year to be better qualified. Under the present law, for instance, I have an operator's permit in my pocketbook; it is issued to me authorizing me to drive an automobile in the District. It is good for all time to come unless you change the law. I paid \$2 for it. If I do something wrong, let them annul it and take it away from me, but until I do something wrong why do they not let me keep it? They have already passed on my qualifications.

Mr. LAGUARDIA. Is an annual fee provided?

Mr. BLANTON. Yes; an annual fee is provided for and required in this bill. There are 100,000 people, approximately, in the District who run automobiles.

Mr. GILBERT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GILBERT. If we strike out the word "annually," it will leave it as it is in most of the jurisdictions now.

Mr. BLANTON. Yes. I am going to follow that up by striking out the provision for an annual fee at the top of the next page. As I say, what is the use of forcing 100,000 District people to go down here to a little office on the 1st day of March every year and renew these operator's licenses? It is ridiculous; it puts them to a lot of trouble; they will have to stand in line for a day, or several days, and you will have to give them about 25 clerks additional there to wait on them.

Mr. HILL of Maryland. And it means additional expense.

Mr. BLANTON. Of course it does, and that is what we are trying to avoid placing on the people here. There is not a citizen of the District who operates a car that is in favor of this annual license fee. I hope that you will strike out this word "annually" and will also adopt an amendment I am going to offer to strike out the annual fee of \$1.

Mr. LOWREY. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOWREY. Would not the cost to the Government for a clerical force and so forth be quite a large expenditure of time and money, as well as a great interference with our rights?

Mr. BLANTON. I will state that the clerical force will eat up the amount of money you will derive from this license provision, and the small amount of \$1 which you will have to pay is just a small thing compared with going down here and standing in line for two or three days trying to get your operator's permit renewed every year, and every member of your family will have to do likewise.

Mr. UNDERHILL. Oh, no.

Mr. BLANTON. If a citizen's wife here in the District drives a car, she will have to go down and stand in line and get her permit renewed every year. If a citizen's daughter drives a car she will have to go down and get her permit renewed every year, because every operator of a car must have a permit. The gentleman from Kansas [Mr. TINCHER] and the gentleman from Massachusetts [Mr. UNDERHILL] I understood to say, claim they would not have to do that.

Mr. TINCHER. No; I did not say that.

Mr. BLANTON. I misunderstood the gentleman.

Mr. TINCHER. I said getting a license once was enough. For once, I am in accord with the gentleman.

Mr. BLANTON. I am proud of it. If a citizen of this District had five children, and his wife and five children each drove a car, all seven of them would have to go down and get an operator's permit, and they would all have to stand in line on March 1 and get them renewed each year if this bill stands as it is now. I do not think you want to put that trouble on them, and I hope you will adopt my amendment.

Mr. UNDERHILL. Mr. Chairman, I want to be heard in opposition to the amendment.

There are some advantages, possibly, in the amendment which the gentleman from Texas has offered, but, as a matter of fact, in many States of the Union they have a similar provision, only they require the payment of \$2 instead of \$1 as an annual license fee.

You do not have to go down to an office and renew a license. You are sent a notice that your license expires on such and such a date and that by inclosing in an envelope a check or money order for \$2 the license will be renewed. This has resulted in a revenue in the State of Massachusetts of over \$400,000 a year for keeping the roads in repair in part and such other expenses as the commission may find necessary. The clerical hire will not begin to eat up the \$100,000 that the gentleman prophesies will come into the Treasury. Furthermore, it is a protection to the people.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. RATHBONE. Is not one great advantage in the way this bill is drafted the fact that it leaves a certain latitude to cover changed conditions. For instance, if an operator is given a license, at that time he is a proper man to drive, but conceivably, he may lose his mind, or later on may become an habitual drunkard or be given to the use of narcotic drugs, which make him an unfit man to drive. Then should there not be an opportunity to deny him a license? Is that well founded or not, in the gentleman's opinion?

Mr. UNDERHILL. It may be well founded, but as a matter of fact, this is a revenue proposition rather than a moral one.

Mr. HAMMER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HAMMER. As I understand, the amendments that have just been adopted avoid the troubles that the gentleman from Texas [Mr. BLANTON] objects to, and as the bill now stands there does not have to be a reexamination but there must be the payment of a fee of \$1.

Mr. UNDERHILL. That is all.

Mr. HAMMER. The amendments provide that the demonstration and examination shall be waived.

Mr. UNDERHILL. Yes; my only objection to that clause is that it is not \$2 instead of \$1.

Mr. HAMMER. We ought to retain the \$1 fee.

Mr. UNDERHILL. When you license a man in the District of Columbia, you license him to drive an automobile in every State of the Union—practically every State in the Union—I

do not say every State because I do not know the law in every State, but in many States of the Union, for instance, New York, where they have over 1,000,000 registered drivers, they have no difficulty in collecting their fee of \$2 per annum for a license, and there will be no difficulty in the District of Columbia in collecting a \$2 license fee annually for the privilege of driving an automobile. It is also a safeguard which ought to be retained in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 25, noes 20.

So the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 8, beginning with line 24, strike out the words, "Operators' permits shall be issued for a period not in excess of one year expiring on March 31, renewable for periods of one year upon compliance with such regulations and the payment of such fee, not exceeding \$1, as the director of traffic may prescribe."

Mr. BLANTON. I make that amendment to correspond to the other amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I have one more important amendment.

On page 10, line 5, after the figures "\$40," strike out the period and insert a colon and the following proviso:

Provided, That this shall not apply to transient visitors from States in the Union.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 10, line 5, after the figures "\$40," strike out the period and insert a colon and the following provision: "*Provided*, That this shall not apply to transient visitors from States in the Union."

Mr. BLANTON. Mr. Chairman, under this paragraph you provide that any visitor from outside must immediately get an operator's license; and unless he does, he will be fined.

Mr. ZIHLMAN. Has the gentleman looked at the nonresidence provision of the bill, that he must comply with the laws of his own State?

Mr. BLANTON. This section does not refer you to a succeeding section, but my amendment makes it certain that it does not apply to transient visitors. I want to be sure that when the Governor of Maryland comes over here that the very minute he crosses the line some policeman does not jack him up because he has not an operator's license.

Mr. ZIHLMAN. I will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to. Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word. I want to call the attention of the House to language in section 6. It says:

The fee for any such permit shall be \$2, except that in case of any permit which shall expire within less than six months of the date of its issuance the fee shall be \$1.

Now, on page 9, line 4, you should strike out the word "except" and all of lines 5 and 6 and the words "be \$1" in line 7.

Mr. ZIHLMAN. I will accept that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, strike out the word "except," all of lines 5 and 6, and the words "be \$1" in line 7.

Mr. ZIHLMAN. I will accept the amendment.

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the language on page 10, beginning with line 13, "All such permits shall expire on March 31, 1926."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: On page 10, line 13, strike out the words "All such permits shall expire on March 31, 1926."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SPEEDING AND RECKLESS DRIVING

SEC. 8. (a) No motor vehicle shall be operated upon any public highway in the District at a rate of speed greater than 30 miles per hour.

(b) No individual shall operate a motor vehicle over any public highway in the District (1) recklessly; or (2) at a rate of speed greater than is reasonable and proper, having regard to the width of the public highway, the use thereof, and the traffic thereon; or (3) so as to endanger any property or individual; or (4) so as unnecessarily or unreasonably to damage the public highway.

(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall, upon conviction for the first offense, be fined not less than \$25 nor more than \$100 or imprisoned not less than 10 days nor more than 30 days; and upon conviction for the second or any subsequent offense such individual shall be fined not less than \$100 nor more than \$1,000, and shall be imprisoned not less than 30 days nor more than one year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall, upon conviction for the first offense, be fined not less than \$5 nor more than \$25; upon conviction for the second offense, such individual shall be fined not less than \$25 nor more than \$100; upon conviction for the third offense or any subsequent offense such individual shall be fined not less than \$100 nor more than \$500, and shall be imprisoned not less than 30 days nor more than one year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 12, line 16, strike out "30" and insert in lieu thereof the figures "22."

Mr. BLANTON. Mr. Chairman, the director of traffic of New York City recommended that under no circumstances should the speed limit be made over 22 miles an hour. If you pass this bill with a speed limit of 30 miles an hour, you will have children killed on the streets of Washington every day. Will the gentleman accept my amendment?

Mr. ZIHLMAN. Yes; I accept the gentleman's amendment.

Mr. GREEN. Mr. Chairman, I do not think this amendment ought to be accepted. The conditions here are very different from what they are in New York City.

Mr. BLANTON. Oh, I do not yield the floor.

Mr. GREEN. But the gentleman has yielded the floor, and I have not yielded to the gentleman from Texas. Conditions here are different from what they are in New York City. These wide streets here give opportunity for traffic that is found nowhere in New York. The congestion of traffic here is nothing like it is in New York.

Mr. BEGG. Is not the traffic faster than 22 miles an hour in New York City?

Mr. GREEN. Oh, they drive much faster than that.

Mr. BEGG. And they yell to you to get out of the way if you do not go faster than that.

Mr. GREEN. And in Chicago they very nearly arrest you if you do not drive faster than 22 miles an hour on the boulevards.

Mr. RATHBONE. Mr. Chairman, this bill provides for arterial highways. Is it not conceivable that on arterial highways, which are designed for the purpose of getting traffic through speedily, a higher rate of speed than 30 miles an hour may not only be safe but proper?

Mr. GREEN. Yes.

Mr. BLANTON. If you fix the speed limit at 30 miles an hour they will drive 40 and 50 miles an hour, and you will never be able to prove that they were driving recklessly. Whenever you get up to 30 miles an hour it is very hard to tell whether you are going 30 miles an hour or 40.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 50, noes 15.

So the amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. It is now 5 o'clock, and we have reached page 15 of the bill. It is quite evident that the committee will take up no other bill to-night.

Mr. BLANTON. Oh, we are going to take up another one.

Mr. LAGUARDIA. And we will be fortunate if we finish this bill.

Mr. BLANTON. We have another one to take up to-night.

Mr. LAGUARDIA. I simply want to point out that to-morrow the RECORD will show that all of the time was consumed to-day by members of the committee. Many of us have been waiting patiently all day long here without saying a word.

Mr. CRAMTON. Then why break a perfectly good record now?

DISTRICT OF COLUMBIA RENT COMMISSION

Mr. LAGUARDIA. Let us be frank about this. The next bill that should have been called up is the so-called rent bill, and I respectfully submit to the committee that the District Committee has had two or three days upon which the rent bill could have been called up. A whole day was spent on the milk bill, a bill which simply followed the regulation now in force in every city in this country.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In just a moment.

Mr. BLANTON. I want to have the gentleman yield for a pertinent question. The District Committee this morning voted to make the rent bill in order right after this bill, and the gentleman is now keeping it from coming up.

Mr. LAGUARDIA. The gentleman is not keeping anything from coming up, and the gentleman is not so inexperienced in legislative matters as not to know just what is going on. Right here in my hand I have a number of protests from investors, agents, and landlords in New York against the rent bill. Here I have the proof that this District rent bill is not a local matter; it is a national matter of the utmost importance. I do not believe any man on the floor of the House has bucked the Committee on Rules more than I, and I want to say that the Committee on Rules is not to blame, because the District Committee had several opportunities before this to call this rent bill up and give the House a chance to vote for it. I hope the Rules Committee will grant a rule now. It is forced to do it. The good faith of the President of the United States is at stake. He urged this bill; he recommended the bill. He is on record wanting a rent bill. It is absolutely necessary. I have some very interesting letters here that I am going to put into the RECORD.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Mr. Chairman, will be gentleman yield?

Mr. LAGUARDIA. Just a moment, please. Not only have landlords all over the country engaged in an organized propaganda against the rent bill but a prominent life-insurance company—the New York Life—and bond houses have written letters protesting against the bill and threatening to refuse to loan money on first mortgages if the rent bill is passed. Since when does a life-insurance company holding the money of the tenants—yes, gentlemen, money of the tenants, because 99 per cent of premiums paid to the New York Life Insurance Co. comes from tenants, and it is held in trust. The money does not belong to the New York Life; it belong to the policyholders. And why all this protest? Why these threats? In every one of these letters you will see the great fear that rent laws will be extended in other centers of population. The greedy landlords with their itching palms are impatiently waiting for these beneficial, humane rent laws to expire, so that they can take revenge on tenants who have resisted increases and throw them out on the street. They are waiting right here in Washington for Congress to adjourn without extending the rent law, so that they can increase rents. I know them. I know the same people that are writing me from New York. We extended the law there to 1926. They are fighting now to oppose a further extension, and the landlords, speculators, loan sharks, mortgage brokers do not want the National Congress to pass a law, because they hope to see all rent regulatory laws repealed or expire. What right has the New York Life Insurance Co. to threaten that it will not loan money in the District of Columbia if we extend the rent law? Just listen to this letter, which, I believe, was written to the entire New York delegation:

NEW YORK LIFE INSURANCE CO.,
336 Broadway, New York, January 28, 1925.

Hon. FIORELLA LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: I desire to call your attention to House bill 11078, Senate bill 3764, known as the District of Columbia rent act.

If this bill becomes a law, a rent commission will be established which will have full inquisitorial and regulatory powers over all structures devoted to residential purposes within the District of Columbia, and quite puts it within the power of said commission to determine the amount of rent the landlord or owner may exact.

After an examination of this bill I am of the opinion that should it be enacted it would be unwise for this company to continue to make investments secured by mortgages on residential property within the District. Improved real estate like any other commodity must have an untrammelled and open market in order to maintain its valuation, and any law which restricts the right of contract between the lessor and the lessee must necessarily affect the valuation of the real estate involved just as much as would the right of contract in other forms of property between the vendor and the vendee. The modern method of estimating the valuation of real estate security for purposes of making investments is largely based upon the assured rental return over the period of the loan, and such a law would make impossible any such estimate.

Such a law would seriously impair the value of real estate, discourage the making of loans secured by mortgages thereon and the employment of private capital in the erection of residential buildings within the District of Columbia. I believe that the parties who hope to be benefited, namely, tenants, will, as a matter of fact, not be so benefited and that in the end they will be compelled to pay a larger rent than they would have had this legislation not been enacted. In effect, it establishes an involuntary partnership on the part of real estate owners with the Government, wherein the owner takes all the risk and the Government limits the return. To be logical the proponents of the bill should go further and provide for the condemnation of real estate within the District of Columbia and have the Government operate its own apartment houses. This would at least be honest, as in that event the owners in condemnation proceedings would be entitled to damages for the valuation of the property condemned. Under the proposed law the value of their holdings will be taken away from them by governmental interference without any compensation.

I can not believe that this bill has a chance of passing, but in the event that it might, I am taking the liberty of writing this letter to urge you to vote against it.

Yours very truly,

HARRY H. BOTTOME,
General Counsel.

Now, let me read you my reply to the New York Life Insurance Co.:

JANUARY 29, 1925.

HARRY H. BOTTOME, Esq.,
General Counsel New York Life Insurance Co.,
346 Broadway, New York City.

DEAR SIR: I have your letter of January 28, 1925, relative to Senate bill 3764, known as "the District of Columbia rent act." You state that "after an examination of this bill I am of the opinion that should it be enacted it would be unwise for this company to continue to make investments secured by mortgages on residential property within the District." Permit me to say that I am of the opinion that you will do nothing of the kind. Insurance companies are simply handling public funds. If any company or group of companies conspire to sabotage against any Federal statute, does it occur to you that such company or companies may be prevented from doing business in the District of Columbia?

The pressure that the landlords are bringing to bear against the passage of proper regulatory measures and their far-reaching ramifications demonstrate beyond any doubt the necessity of passing regulatory statutes to protect the tenants and the health, morals, and welfare of the community.

There is not the remotest possibility of the rent law impairing present or future investments of your funds. A life-insurance company, being a trustee of public funds, is permitted to invest in first mortgages only, and the amount of each investment is likewise fixed by law. Unless the company indulges in speculation and profiteering ventures, which the law specifically prohibits, you can not be at any disadvantage through the passage of any regulatory rent law.

You have permitted yourself to become part of a vicious, unwaranted, and organized propaganda carried on throughout the country where rent laws have become necessary.

Yours very truly,

F. LA GUARDIA.

I have absolute proof that the New York Life Insurance Co. is actually carrying out its threat. I will now read a letter written on January 23, 1925, to Mr. Fred Thorpe Nesbit, of this city, which shows clearly that the New York Life Insurance Co. has constituted itself the agent for landlords and seeks to intimidate investors in the District of Columbia. I serve notice right now that if the New York Life Insurance Co. continues this practice that legislation will be introduced at the next session of Congress that will control such companies in accordance with my letter to the company of January 29, 1925, that I have just read. Now listen to this sample of intimidation:

NEW YORK LIFE INSURANCE CO.,
New York, January 23, 1925.

MR. FRED THORPE NESBIT,
Investment Building, Washington, D. C.

DEAR SIR: In re application for loan of \$90,000. This application came before the real estate committee to-day, and I was directed to write to you and inform you that in view of the pending legislation now before Congress—House bill 11078, Senate bill 3764—known as "the District of Columbia rent act," this company feels that it can not safely make any further commitments for loans secured by mortgages on real estate for residential purposes within the District of Columbia.

If this bill becomes a law, it will give to the rent commission created thereby full inquisitorial and regulatory powers over the income derived from such property and quite put it within the power of said commission to determine the amount of rent the landlord or owner may exact, irrespective of whatever previous valuations may have been placed upon the said land by a mortgage investor based and calculated upon the probable income at the time of making the mortgage.

As you well know, the modern method of determining the valuation of improved real estate depends largely upon the estimated income over the period or life of the loan. In the face of such a law it would be impossible for this company to make any such estimate and consequently determine with any degree of security the valuation of the property for investment purposes.

There are many other features of this bill which we think highly undesirable, but I will not attempt to cover them in this letter, as our primary interest in the legislation is from the standpoint of a mortgage investor. We have heretofore found Washington a very desirable and safe city within which to make mortgage investments, and we can only hope that this legislation may be defeated, so that Washington may continue to be as it has been in the past, an outlet of our funds for investment.

Yours very truly,

FREDERICK M. CORSE,
Secretary in Charge.

I will now give you a sample of some of the letters which I received from New York that prove conclusively that the District rent bill is of national importance besides being a local necessity:

CUSHMAN & WAKEFIELD (INC.),
New York City, January 29, 1925.

HON. FIORELLO LA GUARDIA,
House of Representatives Office Building, Washington, D. C.

DEAR SIR: I feel constrained to express my views to you on the so-called District of Columbia Rent Commission act now pending in Congress. This proposed legislation is, to my mind, the most radical measure that has ever come to my attention.

While I understand that President Coolidge feels it his duty to do something to assist Government employees, I have knowledge of the fact that there is an oversupply of moderate-priced apartments and homes available in Washington to-day. If my statement be correct, there seems no justification for a commission to regulate rents. If my statement is not borne out by the facts, there is only one answer, which is build more homes in order to make the best law, that of "supply and demand," operative.

In order to create more homes, efforts should be made to induce the mortgage money-lending institutions in this city and elsewhere to lend more money on new construction in the District of Columbia.

The best way to attract this money would be to show the need of the homes through carefully compiled statistics based on an actual rental survey of the existing supply of apartments and the demand for them.

The best way to prevent the investment of such money in Washington is to put through the pending Rent Commission act, and I have reason to know that should this bill be enacted several, if not all, of the large lenders of mortgage money in this city will positively and permanently discontinue making any future loans in the District of Columbia.

On account of the foregoing circumstances, I respectfully urge that you do everything within your power toward the defeat of this most radical and ill-advised bureaucratic legislation when it comes up in Congress.

Respectfully yours,

J. CLYDESDALE CUSHMAN, President.

P. W. CHAPMAN CO. (INC.),
New York, January 31, 1925.

HON. FIORELLO H. LA GUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called to two new bills introduced as Government measures into Congress perpetuating a rent commission to regulate rents in the District of Columbia.

Fully acquainted as we are with the District of Columbia real-estate situation, we feel that there is no emergency existing at this time which will justify any such regulation of rents. Furthermore, should this bill pass in the District of Columbia it will undoubtedly be taken up in one form or another in the various States of the Union, and it is at once apparent that should a law like this be passed the very foundation and security of our real-estate mortgage would be undermined.

Respectfully,

GEORGE L. OHRSTROM, *Vice President.*

BUILDING MANAGERS AND OWNERS'
ASSOCIATION OF NEW YORK,
January 12, 1925.

Mr. FIORELLO H. LA GUARDIA,
1852 University Avenue, New York City.

DEAR SIR: At a meeting of the executive committee of this association held on January 6, 1925, the following resolution was adopted:

"Whereas there has been introduced in the United States Senate a bill known as the District of Columbia rent act and designated as S. 3764, and in the House of Representatives as H. R. 11078, with the intent to nationalize the business of renting dwelling space in the District of Columbia because public officeholders and employees find their rents burdensome, and the bill contains the recital that the Federal Government is embarrassed in the transaction of the public business; and

"Whereas we believe this to be contrary to the facts and to introduce a new and radical feature of Government interference in business; and

"Whereas by this bill a commission is clothed with the authority to establish the income of all dwelling properties in the District of Columbia, therefore determining the return on the investment which might be inadequate to pay the interest charges, and thus invite the withdrawal of mortgage money from real estate in that city: And be it therefore

"Resolved, That the executive committee of the Building Managers and Owners' Association of New York, in session on the 6th day of January, 1925, does hereby go on record as being opposed to this bill; and be it further

"Resolved, That a copy of this resolution be sent to the Senators of the State of New York and its Representatives in the House."

Yours truly,

CHARLES F. MERRITT, *Executive Secretary.*

NEW YORK, January 16, 1925.

HON. FIORELLO LA GUARDIA,
House of Representatives, Washington, D. C.

Re: District of Columbia Rent Commission act (Senator BALL's bill, S. 3764, and Congressman REED's H. R. 11078)

DEAR SIR: Mere words can not adequately voice the opposition which the above measure has caused among intelligent people in general, especially property owners involved. It is unbelievable to think that any member of so honored a body could possibly introduce a bill so radical, so drastic, so harmful and rigorous to realty investors. You undoubtedly know how it is loathed, detested, and disliked by the real property owners over the entire country.

It is a precedent which, if set, would cause a great deal of disturbance in the business world and prove detrimental to the future prosperity of our country.

It is a well-known fact that most businesses are more or less dependent upon the real-estate field. It is also acknowledged that if the Government will pass stringent and severe measures harmful to the investors, they will divert their investments to other fields of activities. You can, therefore, readily see the effect it will have upon the general trend of the business world.

Our country's increasing prosperity rests a great deal upon your decision. Business in general might be affected immensely. Will you tolerate bureaucratic management to supplant private control? Would you permit so preposterous an act to pass the legislature?

Kindly extend your influence in this matter when it is brought before your House and save the business world from bureaucratic control.

Most respectfully,

PARTOS REALTY CORPORATION.
N. C. PENBY, *President.*

TURNER ASSOCIATES (INC.),
New York, January 14, 1925.

Mr. FIORELLO LA GUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: As Congressman from my State I urge you to vote against and to use your influence against the very radical measure now pending in Congress, known as the District of Columbia Rent Commission act (Congressman REED's bill, H. R. 11078). As owners of large real-estate property in New York City and elsewhere in the State we

are alarmed at the effect of the successful passing of the rent commission act on all real-estate property throughout the country.

There doesn't seem to us to be any need for such a commission as this bill would set up, nor for offering the free legal service to the tenants which the act provides.

We trust that you will do your best to see that this bill is beaten.

Very truly yours,

J. P. H. PERRY,
Vice President.

NEW YORK, January 13, 1925.

HON. FIORELLO H. LA GUARDIA,
Washington, D. C.

DEAR SIR: We wish to lodge a protest against the proposed passage of the Ball bill, Senate 3674, designed to regulate rents in the District of Columbia.

We are, of course, aware that this bill, if it becomes a law, will apply only to the territory named, but the precedent will be bad for the entire country. The war is over, and the time for passing emergency measures should also be over. The country is gradually getting on a safe financial footing, but we feel that a law of this kind would only make more acute the ill that it intends to remedy. It would put a brake upon the investment of capital in housing facilities. To use a phrase of the street, it would "Bite the hand that's feeding you"; will make confusion more confused.

If paternalistic and regulatory measures remedied evils, Russia would be a very happy and prosperous country, but it is neither happy nor prosperous. Capital is hidden or is inactive, and the country has gone from bad to worse. We appreciate that Washington and the United States are, happily, far removed from Russia and her condition, but the passage of this measure at this time will make us somewhat akin.

We hope that you will not only vote against the bill, but that you will use your influence in active way against it.

Very truly yours,

G. L. MILLER & Co. (INC.),
G. L. MILLER, *President.*

JOHN M. RIEHLE & Co. (INC.),
New York, January 21, 1925.

HON. FIORELLO H. LA GUARDIA,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: We understand that Senate bill 3674 has been introduced by Senator BALL, of Delaware, to create and establish a commission as an independent establishment of the Federal Government to regulate rents in the District of Columbia.

We believe this is a dangerous measure, and while it affects only the District of Columbia, if it should be enacted it would establish a precedent that might be extended to every State in the Union.

Yours very truly,

JOHN M. RIEHLE.

UNITED REAL ESTATE OWNERS ASSOCIATION (INC.),
New York City, January 12, 1925.

HON. FIORELLO H. LA GUARDIA,
House of Representatives, Washington, D. C.:

Re Senate bill 3674, introduced by Senator BALL, of Delaware.

DEAR MR. REPRESENTATIVE: This association, consisting of 11,000 real-estate owners of the city of New York, is opposed to the above bill, even although it is only to apply at the present time to the District of Columbia.

If this bill becomes law, similar legislation may be passed in Congress to apply to the entire United States, including New York City; but even although a like bill were not introduced and passed for such purpose, it would be an inducement for every State in the Union to pass like legislation.

The result of this class of legislation will be that it will be the entering wedge for legislation to apply to every class of property under rental.

Such legislation will also defeat its own purpose, as the result will be to discourage the construction of new housing; and the late shortage, which so far as New York City is concerned has been changed into an excess, will be changed back into a shortage.

We urgently ask you to vote against this bill.

Faithfully yours,

STEWART BROWNE, *President.*

I earnestly feel that we ought to have the opportunity to vote for the extension of the rent law for two more years. There is not a Member from a city district but what has been receiving letters of the kind I have just read seeking to prevent the passage of this bill. I firmly believe that landlords who are willing to make reasonable profit on their investment, who are not waiting to overcharge their tenants, I mean honest landlords, are not opposing the extension of this law or the

extension of any State regulatory measure. I know the type of speculators, landlords, loan sharks, and agents that do not want any law. They want to do as they please. They want to have the power to charge any rent they desire and to have the right to summarily evict a tenant if he refuses or is unable to pay an exorbitant increase. That day is gone, let us hope, and gone forever.

I repeat that every profiteering landlord in this country is interested, and as between the profiteer and landlord and the President of the United States, I appeal to the regular Republicans to stand by the President.

Mr. STEVENSON. I make the point of order that the gentleman is not speaking to his amendment.

Mr. LAGUARDIA. I thank the gentleman; I am through.

The CHAIRMAN. The point of order is sustained. The time of the gentleman has expired.

The Clerk read as follows:

FLEEING FROM SCENE OF ACCIDENT—DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS

SEC. 9. (a) No individual while operating a motor vehicle in the District, knowing that such motor vehicle has struck any individual or any vehicle, or that such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and registration and operator's permit numbers to the individual so struck or to the owner or operator of the other vehicle if such owner or operator is present, or if such owner or operator is not present then to bystanders. Any operator whose vehicle strikes or causes personal injury to an individual and who fails to conform to the requirements of this subdivision shall, upon conviction of the first offense, be fined not less than \$100 nor more than \$500 or shall be imprisoned for a term of not less than 60 days and not more than 6 months; and upon the conviction of a second or subsequent offense shall be fined not less than \$500 nor more than \$1,000 and shall be imprisoned for a term of not less than six months nor more than one year. And any operator whose vehicle strikes or causes damage to any other vehicle and who fails to conform to the requirements of this subdivision shall, upon conviction of the first offense, be fined not more than \$500 or imprisoned not more than six months, or both; and for the second or any other subsequent offense be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) No individual shall, while under the influence of any intoxicating liquor or narcotic drug, operate any motor vehicle in the District. Any individual violating any provision of this subdivision shall, upon conviction for the first offense, be fined not less than \$100 nor more than \$500 or imprisoned not less than 60 days nor more than 6 months; and upon conviction for the second or any subsequent offense be fined not less than \$200 nor more than \$1,000 and imprisoned not less than six months nor more than one year.

(c) Upon conviction of a violation of any provision of this section the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

Mr. GILBERT. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GILBERT: Page 14, line 13, strike out "or" and insert "and." Also, page 14, line 21, strike out "or" and insert "and."

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, the purpose of this is to make a jail sentence compulsory in one of these "hit and run" cases, where persons run into some one and pass on, and it is not left to the discretion of the judge. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GILBERT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GILBERT: Page 15, line 5, after the figures "\$500" strike out "or" and insert "and."

[Applause.]

Mr. GILBERT. Mr. Chairman, that is a similar proposition while operating an automobile while intoxicated. We agreed in the joint committee on that proposition, but it was stricken out in the Senate, and we want to put it back.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I move to strike out the last word. I shall not offer an amendment, but I want to call attention to a provision which I think ought to be in any traffic code. In the first place I think the committee made a serious mistake when it put the maximum speed at 22 miles per hour on the theory that men are going to violate the law anyhow. If that is the case there is no use in passing a law. There is not a man driving an automobile, and that includes us all, who does not exceed 22 miles an hour when on an out street, and to pass a law making it 22 miles an hour and then to go out yourself and drive 25 miles an hour is absolutely a scandal and you ought not to do it. But that is not part of the bill to which I wish to refer. I do not think the bill, the way you are butchering it up, is going to accomplish anything. The purpose of traffic regulation is to get the traffic off the street, but this bill seeks to hold it on.

Now, I want to call attention to another provision you have not touched, and I will say I have seen the operation of automobiles in every city, big and little, in the United States east of the Mississippi, and there is not a worse city in all of them than Washington for the pedestrian who steps out behind an automobile in the middle of the street and starts diagonally across it. I think your bill ought to incorporate a provision somewhere putting the burden of proof on the pedestrians when they are crossing a street at other than the crossings, or when they are crossing a street when the sign is against them. You go down town to-night in your automobile and get a "clear" sign to go through on any street, I do not care where, and you have to watch every second of the time to dodge a string of human beings walking across there on foot.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Not now. Now automobile traffic is not a luxury, it is not a preferred class which drives automobiles. Automobiles are an established fact and everybody is using them in business as well as pleasure.

We are passing a law for the benefit of traffic and it ought to have the most serious consideration for everybody concerned. Take New York City or Philadelphia—

The CHAIRMAN. The gentleman moves to strike out the word "individual."

Mr. BEGG. I am talking about individuals, Mr. Chairman, if the gentleman from Florida wants to be so technical, I am perfectly willing that he should be so.

Mr. JOHNSON of Washington. Is not the burden of proof on them now?

Mr. BEGG. I so understand.

I submit to the members of the committee, Mr. Chairman, that I can get along as well as the rest of you, but if you are going to regulate automobile traffic, as you must do some time, why not also regulate the pedestrians, and then have something of some value?

Mr. BLANTON. We will think about what the gentleman has said.

Mr. RATHBONE. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. RATHBONE. The committee had advice from the best experts of the country. We know we can not put in a bill all the requirements.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. I ask unanimous consent, Mr. Chairman, to proceed for two minutes more.

Mr. CRAMTON. It would appear that the gentleman is filibustering.

Mr. BEGG. Oh, no.

Mr. WINGO. Mr. Chairman, I ask to be recognized in opposition.

The CHAIRMAN. The gentleman from Arkansas will be recognized in opposition to the pro forma amendment.

Mr. WINGO. Mr. Chairman, as one of the few pedestrians in the House, I think that somebody should get up and speak for them. The gentleman from Ohio [Mr. BEGG] frankly admits that he is a speed fiend. The mere presence of an humble pedestrian on the public streets is held by the typical automobilist as a damnable nuisance and one that ought to be knocked out of the way.

Gentleman may talk about the "jaywalker." Some people cross between the street crossings as a matter of safety. On Sixteenth Street a man takes his life in his hands at Sixteenth and Irving, at that point where automobiles are going in nearly every direction. He does the same thing at Seventeenth and Q Streets.

Mr. SNELL. What is the matter with Sixteenth and U?

Mr. WINGO. Yes; and at Sixteenth and U, and Sixteenth and R. I used to reside near Sixteenth and R Streets, and it

was an unusual thing to get by up there on a morning without somebody getting hurt in a collision with one of those automobiles driven by the speed fiends, of which my friend from Ohio [Mr. BEGG] admits he is one. They seem to resent the very presence of a pedestrian on the streets.

Mr. BEGG. The gentleman's complaint is not of the traffic; it is the speed. It is due to the lack of policemen.

Mr. WINGO. Oh, no. That is not it. It is not a lack of policemen, though we need more. If the single policeman that you have, whom I have seen stand there at Sixteenth and R Streets, would stop one-twentieth of your speed fiends coming down Sixteenth Street, life would be safer.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WINGO. No; I can not yield. I am serious about this. The greatest obstacle, the greatest obstruction, there is now to maintaining safety on the streets of the District is the very spirit that my friend from Ohio unconsciously shows. It is typical of the average motorist. He has a contempt for the pedestrian.

Gentlemen, there is a similarity between the effect that alcohol has on some people's brains and the effect that gasoline has on them. [Laughter.] They get drunk and wild on both. [Laughter.]

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BEGG. I will ask the gentleman, if he is such a great pedestrian, whether he wants the street and the sidewalk, too? [Laughter.]

Mr. WINGO. I would like to have at least a part of it. But down there where I tell you about, even sober ones come up on the sidewalk. Twice in the last year I snatched a baby carriage out of the way of danger where wild automobiles, dodging each other, ran up on the pavement. You have to have the agility of a tomcat in order to cross the streets of Washington when these speed fiends, typified by my friend from Ohio, are abroad. [Laughter.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BLANTON. The gentleman from Ohio [Mr. BEGG] likes to be going as fast as 22 miles an hour when he parks. [Laughter.]

Mr. WINGO. Yes. You are not going to stop the loss of life in the District of Columbia until you bring about a change of feeling on the part of automobilists. Their feeling is with respect to the pedestrian, "Get out of our way; we alone are entitled to the streets and to the free passage of them." Anybody who dares to get in their way takes his life in his hands. [Applause.]

The Clerk read as follows:

IMPOUNDING OF VEHICLES

SEC. 13. (a) The director is authorized to provide by regulation for the removal and impounding of vehicles parked in violation of any law or regulation, and for the release of any such vehicle upon payment by the owner of such vehicle or his representative of such impounding fee, not in excess of \$10 for any violation, as he deems advisable.

(b) No such fee shall be collected from any owner of a vehicle under the provisions of this section if such owner can show that the parking of the vehicle for which the violation is charged was the act of a person not authorized by the owner to have control of the vehicle.

Mr. BLANTON. Mr. Chairman, I move to strike out lines 1 to 12, inclusive.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 18, strike out lines 1 to 12, inclusive.

Mr. BLANTON. Mr. Chairman and gentlemen, every organization and motorist in the District of Columbia is objecting to this section. No one wants it and it could be conducive of great trouble, injury, and inconvenience to many women drivers. It can be handled in plenty of other ways. They do not have to impound the vehicles; all they have to do when they find a vehicle parked in an improper place is to put a police tag on it and the party owning it must go immediately and answer at the police court.

Why impound them? Why take them away from the places where they are parked and carry them somewhere else? There could be damage to a great extent; cars could be damaged to a great amount, and the taxpayers of the District would have to pay the damages whenever cars were damaged in carrying them away from the parking place to the impounding place. I dare say that if you put it up to the 100,000 motorists in the

District of Columbia you would find they do not want this impounding provision.

Our joint committee of the House and Senate voted it down. We had a joint session of the House Committee and the Senate Committee and none of the members of those committees was in favor of it. It was put into the Senate bill by somebody who did not attend the hearings and they knew nothing about it.

I hope, gentlemen, you will vote this impounding section, No. 13, out of the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. HAMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 16, line 24, after the word "act"—

Mr. CRAMTON. Mr. Chairman, I make the point of order that we have passed that point in the bill.

Mr. HAMMER. No, indeed, we have not.

Mr. CRAMTON. We just struck out section 13.

Mr. HAMMER. That is correct, and I ask unanimous consent to offer this amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to offer an amendment on page 16, at the end of line 24, after the word "act." Is there objection?

Mr. TILSON. Mr. Chairman, let us hear what the amendment is.

The CHAIRMAN. Without objection the amendment will be reported for information.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HAMMER: Page 16, line 24, after the word "act," insert a semicolon and add the following: "Provided, That the person whose permit is so revoked shall have the right of appeal as in other criminal cases."

Mr. BLANTON. Mr. Chairman, I object, because that would be conducive of debate. There are a number of us who do not want to agree to that at all.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. BLANTON. I object.

The Clerk read as follows:

ARTERIAL HIGHWAYS OR BOULEVARDS

SEC. 14. For the purpose of expediting motor-vehicle traffic the director is authorized to designate and establish any public highway as an arterial highway or boulevard and to provide for the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon as may be appropriated for by the Congress from time to time.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to ask the committee just what it is the intention to do with reference to this section?

Mr. ZIHLMAN. I will say to the gentleman that the committee understands that this language merely authorizes the director to designate certain streets—north, south, east, and west—as express streets.

Mr. NEWTON of Minnesota. Was the matter discussed at length with the traffic director; that is, the man who now handles the traffic violations?

Mr. ZIHLMAN. I will say that the committee went into this matter very thoroughly. They had several experts before them from New York, brought here by Members of the House and by Members of the Senate. The committee determined to authorize this, and the gentleman from Michigan [Mr. McLEOD], who has a bill on the calendar covering the same subject, is prepared to offer an amendment making this mandatory instead of merely authorizing it.

Mr. NEWTON of Minnesota. That leads to what I wanted to say. I do not think it is possible to properly regulate traffic in a city the size of Washington without designating arterial highways and compelling people who cross those highways, at intersections, to come to a full stop. Anyone coming down Sixteenth Street in the morning or during the evening will see people crossing that principal thoroughfare—with cars traveling at 18, 20, and 25 miles an hour—without paying any attention whatever to the traffic. That kind of a system simply results in all kinds of accidents.

I hope the chairman so impressed the idea of arterial highways upon the director of traffic that that kind of an arrangement will be put into effect just as soon as it is possible.

Mr. McLEOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLEOD: Page 18, line 14, strike out section 14 and insert in lieu thereof the following:

"SEC. 14. (A) That any person operating a vehicle in the District of Columbia on any street or alley intersecting any 'through traffic street' shall bring such vehicle to a complete stop before entering or crossing such 'through traffic streets': *Provided*, That the provisions of this section shall not be applicable at any intersection when traffic is being directed by a traffic officer.

"(B) It shall be unlawful for any person to drive a vehicle out of any alley or driveway on to any street or highway without bringing such vehicle to a complete stop before driving same across the sidewalk or the crossing intersecting the entrance to the said alley or driveway.

"(C) For the purposes of this bill the following streets shall be, and are hereby, designated as 'through traffic streets': Pennsylvania Avenue, Connecticut Avenue, Massachusetts Avenue, Sherman Avenue, Brightwood Avenue, Rhode Island Avenue, New Hampshire Avenue, Sixteenth Street NW., and all of the highways that the director shall designate.

"(D) All streets or avenues intersecting the above-named arterial highways, or 'through traffic streets,' shall be marked with appropriate signs at the point of intersection.

"(E) Any individual found guilty of violating this section shall be fined not less than \$10 nor more than \$50."

Mr. McLEOD. Mr. Chairman, this amendment was brought before the committee as a separate bill and was reported, I believe, unanimously. The streets mentioned were designated by the police department of the District as being the main arteries. This amendment also provides that the director may further designate other arterial highways, but these are the main arteries of the city now.

Mr. RATHBONE. Mr. Chairman and gentlemen, I am in very hearty accord and in full sympathy with what the gentleman from Michigan [Mr. McLEOD] has just proposed, but I doubt very seriously if this is a proper matter for us to take up at this time and put in the bill.

My reason for saying that is that this bill establishes a traffic director. We want him to have something to do. This is properly a matter of regulation. The experts that have advised your joint committee have said we ought not to overload this bill with substantive law and that we ought to leave matters of regulation to the traffic director and select a high-class man who will work this problem out to the best satisfaction of the people.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. RATHBONE. Yes.

Mr. CONNALLY of Texas. I would like to ask the gentleman whether the committee has considered the question of automatic signals or is that going to be a matter of regulation by the director?

Mr. RATHBONE. That is to be a matter of regulation by the director.

It would be impossible, I will say to the gentleman, for us to have a bill that could be agreed upon and put through at this session which would be overloaded with all sorts of provisions, excellent in themselves, but which should not be incorporated in a bill and ought to be left to the discretion of the director.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

ADDITIONAL POLICE

SEC. 15. The commissioners are authorized to appoint 100 additional privates for the Metropolitan police force.

Mr. WINGO. Mr. Chairman, I offer an amendment to substitute the figure "200" for the figure "100."

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The clerk read as follows:

Amendment offered by Mr. WINGO: Page 18, line 24, strike out the word "one" and insert in lieu thereof the word "two."

Mr. WINGO. Mr. Chairman—

Mr. BLANTON. If the gentleman will yield, I want to state to the gentleman from Arkansas that the joint committee of

the House and Senate that had this bill under consideration agreed on 300 additional policemen and so provided in the bill.

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Texas?

Mr. WINGO. I think I am going to. I have not found out yet.

Mr. BLANTON. When the bill came up before the Senate certain Senators claimed they would not under any circumstances agree to more than 100 additional policemen, and the Senator in charge of the bill saw that there was no chance to get more than 100 additional policemen and agreed to that. I do not believe the gentleman can get a provision providing for more than 100 passed.

Mr. WINGO. Well, we might do this. We have amended this bill and it has got to go to conference anyway. I do not think any one Senator who happens to be afraid of having too many policemen in the city ought to block the bill. I think we ought to have at least 200 additional. I would be in favor of 300, which the joint committee agreed on, but I think we ought to at least fight for 200 additional ones, and I think we can get 200 if we will insist upon it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 42, noes 24.

So the amendment was agreed to.

The Clerk read as follows:

EFFECTIVE DATE OF ACT

SEC. 17. (a) The following provisions of this act shall take effect 60 days after its enactment: Sections 6, 7, and 13, and subdivision (a) of section 16.

(b) Except as provided in subdivision (a) of this section and in subdivision (b) of section 5, the provisions of this act shall take effect upon its enactment.

Mr. HAMMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. HAMMER: Page 18, after line 25, insert: "The commissioners are hereby authorized and directed to provide in the organization of the traffic bureau for 1 inspector, 1 captain, 2 lieutenants, and not less than 10 sergeants."

Mr. HAMMER. That should come in after the word "force" on line 25. Inasmuch as we have provided for 200 policemen, we should have these additional officials. By the way, the amendment should read "not more than 10" instead of "not less than 10."

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment by substituting the word "more" for the word "less." Is there objection?

There was no objection.

Mr. BLANTON. The gentleman's amendment is unnecessary, because if these officers are needed they will be automatically supplied. Under the rules and regulations of the police department these officers would be supplied with the additional force. We do not give them so many officers, we give them so many men.

Mr. HAMMER. I do not understand that to be the case. If we are to have 200 additional police officers we need these officials.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEPARABILITY OF PROVISIONS

SEC. 18. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Mr. ZIHLMAN. Section 13 has been stricken out, and I offer this amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: Page 20, line 16, after the figure "6," insert the word "and," and at the beginning of line 17 strike out the figures "13," and the word "and" at the end of line 16.

The amendment was agreed to.

The CHAIRMAN. Without objection, the Clerk will have authority to make the necessary corrections in numbering the sections.

There was no objection.

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Amendment by Mr. LA GUARDIA: At the end of the bill add the following:

"Sec. 19. That title 2 of the food control act and the District of Columbia rest act, as heretofore amended, are hereinafter extended and continued"

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is out of order. We have gone far enough in the reading of it to show that.

Mr. MILLER of Illinois. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. BLANTON. I feel sure that the gentleman does not want to adjourn the House? We want to pass this bill before we adjourn. Has the gentleman ever been so solicitous about a quorum of the House before? [Laughter.]

The CHAIRMAN. The gentleman from Illinois makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and one Members present, a quorum. The gentleman from Texas makes the point of order against the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order against the LaGuardia amendment that it is not germane to this bill and not germane to any paragraph of the bill.

The CHAIRMAN. The Chair sustains the point of order on the ground that the proposed amendment is not germane to the pending bill.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out section 18.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland: Strike out section 18.

Mr. HILL of Maryland. Mr. Chairman, I only want to take just one moment on this section 18. It has lately become a habit to put in such sections as this. I do not think they ought to be put in. We vote on these measures as a whole. If the court knocks out one section an act ought to come back to Congress for reconsideration of the whole bill. Section 18 says:

If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

This act is to protect the public from reckless and criminal violators of the law relating to automobiles on the streets of Washington. I am entirely for this act, as we all are, but in the interest of orderly procedure and protecting the rights of the House and the people in not passing what may turn out to be piecemeal legislation, I move to strike out section 18.

If the Supreme Court should find part of this law bad, but let the remainder be in force we would have a badly balanced act, and when we pass laws they should not only be coordinate with other criminal laws, but they should be internally and intrinsically coordinated.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland to strike out section 18.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for one minute in order to inquire whether the gentleman from Maryland was moving to strike out the eighteenth section of the bill or the eighteenth amendment to the Constitution of the United States?

Mr. HILL of Maryland. Oh, Mr. Chairman, I have read this amendment and also the Constitution of the United States, even though the gentleman from Michigan does not seem to be very familiar with either.

I am glad, however, to take the opportunity offered by the question of the gentleman from Michigan [Mr. CRAMTON] to make certain observations on a condition of affairs that has been created in this country by the eighteenth amendment to the Constitution to which the distinguished leader of the Anti-Saloon League referred.

In connection with section 18 of this motor traffic bill, which I just sought to strike out, I said that we must guard against the passage of badly balanced acts which are not coordinated with other criminal laws. The eighteenth amendment, brought into this discussion by the gentleman from Michigan, started a riot of absurd and uncoordinated laws in this great Nation. A few days ago you passed a bill that for aggregate penalty of 12 months for violating the Volstead Act an alien should be deported, while to be thus banished he must rob, steal, assault, or what not, to the extent of at least 18 months. You rated violations of the Volstead Act as 50 per cent more criminal than any other crime in the Federal Penal Code. How idiotic! I feel sure that the alien deportation act will die, as it should,

in the Senate, but it is an excellent example of unscientific as well as un-American legislation.

The Volstead Act itself is an example of stupid and mendacious legislation. Under its false standards I go to jail if I make, at home, old English ale of one-half of 1 per cent alcoholic content, but I can make, and have made, home-made wine or cider of one-half of 1 per cent and over, even up to 2.70 per cent or to 11.64 per cent and still violate no law. (See United States against Hill.) I am always fighting the enactment of any more laws like the Volstead Act, and that is why I moved to strike out section 18 of the pending bill. The pending bill as a whole is good, but with half of it held unconstitutional what remained might be dangerous.

The people of the Nation are alert at last to the deliberate creation of favored criminal classes, and the placing of heavy penalties on one offense and none on what is precisely the same act. That is one reason why there was so much interest in the recent case of the United States of America against John Philip Hill in the District Court of the United States for the district of Maryland.

The bulletin of December 10, 1924, of the Manufacturers and Dealers League made a very interesting collection of editorials on the decision in this case, which are as follows:

CONGRESSMAN HILL'S CIDER

The outstanding news item during November was the trial of Congressman JOHN PHILIP HILL in the United States District Court in Baltimore for violation of the Volstead law.

Mr. HILL had been indicted for the unlawful home manufacture and possession of wine and cider, and for creating a nuisance thereby. The jury acquitted him on all counts after Judge Soper had ruled that the Volstead law specifically exempts cider and fruit juices when made for use exclusively in the home; that to violate the law by such manufacture and use, the product must be intoxicating in fact, and that the burden of proving that it is intoxicating was on the Government.

It will be recalled that Mr. HILL had made cider with 2.75 per cent alcohol and grape juice with 11 per cent, and that he had followed the recipes of the United States Department of Agriculture in the matter. The case was forced by Mr. HILL for the purpose of testing the law. In fact, he has been nagging the Federal authorities for two years, until at last they were forced to take action. One of the interesting and amusing features of the case was the summary dismissal by Judge Soper of the testimony of Dr. Howard A. Kelly, of Baltimore, and Dr. Harvey L. Wiley, who were introduced by the prosecuting attorney as Government experts. These two gentlemen, who have long been notorious for their extreme prohibition sentiments, undertook to establish technical definitions of intoxication. The jurors were instructed to ignore their testimony. As Mr. HILL has been acquitted by a jury, there is apparently no basis upon which an appeal may be taken from the verdict.

Apart from the recent presidential election, there has been no subject of timely interest which has aroused so much editorial comment. The trial itself was featured as a "front-page story" in all the daily papers, having been telegraphed by all the various news agencies and played up by all the Washington newspaper correspondents. Our clipping service, which only covers the daily papers, has brought in about 300 editorials. It is obviously impossible to give even a fair résumé of them within the limits of our space. The principal points upon which they agree are that Congress deliberately intended to discriminate between the farmer and the city man for the purpose of catching the farmers' vote. They are almost unanimous in commending the wisdom and fairness of Judge Soper's findings.

New England papers emphasize the discriminatory feature of the Volstead Act and the hypocrisy and slovenliness of the law. As the Springfield Union says: "Judge Soper has pointed out the contradiction and the lie in the Volstead Act," and asks the question, "If 2.75 per cent cider, why not 2.75 per cent beer?"

The Providence Tribune says: "Congress will give an honest interpretation of what constitutes intoxication, or the Volstead Act will be amended so that cider and fruit-juice makers will not be a special class."

The Springfield (Mass.) Republican speaks of the discrimination as "indefensible."

The New Haven Union says that Congressman HILL has "opened the way for a renewal of the entire discussion of intoxicating content."

The Hartford Times says: "An American's home, as well as an Englishman's, is his castle."

The Portland (Me.) Press Herald says: "In our own State the legislature 'ducked' cider just as long as it could, because it was believed so many farmers would be affected by it."

The Christian Science Monitor, of Boston, has discovered that "Congress had, and still has, the power to establish under the authority vested in it by the eighteenth amendment whatever standard it may see fit in determining what are and what are not intoxicating beverages."

The New York Times says that the decisions and the verdict "may, if they can be driven into the public head, make for a modification of the Volstead Act in the direction of common sense."

Others papers in New York State and New Jersey regard the Judge's rulings as of sweeping importance, and declare that Mr. HILL is in a position to go before Congress and insist that the Volstead Act is not enforceable in its present confused state.

Mr. HILL in an interview declares that "no law with a double standard can endure."

The middle western papers are very much of the same mind. The St. Paul (Minn.) Pioneer Press says that Mr. HILL "has proved that while one man may be sent to jail for making beer of six-tenths of 1 per cent alcohol, another may make wine or cider with as high as 11 per cent alcohol without breaking the Volstead Act" * * * and that "if Congress could arbitrarily define an intoxicating liquor once, it can do so again."

The St. Paul (Minn.) Despatch says: "Many eminent lawyers have maintained that Congress went beyond its authority in declaring that half of 1 per cent is intoxicating, as it is not true in fact."

The Chicago Tribune says: "If Judge Soper's decision is sustained, some citizens legally may have wine. Others legally may not. Some may have cider which has turned hard. Others may not, because they can not make it. It might be in parallel to decree that you might legally eat chicken if you raised the chickens. Otherwise, you would have to bootleg your broilers. A movement already has been started to make the apple the national emblem instead of the eagle."

The Indianapolis News doubts whether Congress had the power to adopt a definition of intoxicating liquors that was not true.

The St. Louis Post Dispatch holds that Judge Soper convicted the Congress which passed the Volstead law of both "stupidity and hypocrisy."

The Davenport (Iowa) Times says that the ruling emphasizes discriminations under the law, which are "in keeping with the inconsistency of the Volstead Act, and no less ridiculous and farcical than our whole attempt at prohibition." As Mr. Will Rogers says: "Prohibition is no longer an issue; the country has settled down to steady drinking."

The Fort Wayne (Ind.) Journal Gazette emphasizes that making wine and cider for home use has been extensively carried on throughout the country.

The Peoria (Ill.) Star says that "the only sensible and satisfactory solution of this question will be to permit the sale and use of beer and light wines and let them be sold in grocery stores and any place where food and drink is sold."

The Omaha World Herald reminds us that "the reason for this exception was congressional consideration for the farmer. It was objected, when the Volstead bill was up for passage, that to prohibit the farmer from making cider or wine would make the farmer mad and lose his vote to the Republican Party."

The Peoria (Ill.) Transcript says that "the country is placed in a ridiculous light" by this case, and that "as an example of class legislation, the Volstead Act will become a classic. * * * And yet the Antisaloon League asks vaudeville actors to refrain from cracking jokes about prohibition."

Ohio papers point out that the clause in the Volstead Act relating to cider and fruit juices was thrown as a sop to the dry farmers who like their own home brew. As the Columbus (Ohio) State Journal says, "the prohibition controversy more and more reflects the ill feeling and jealousy between country and city and the cider element from which the professional reformers dominate the situation, draw their main strength."

Of course the Kansas papers are not pleased with the verdict. Ignorant of the fact that Judge Soper is regarded as a dry sympathizer, the Topeka (Kans.) State Journal says: "Given a jury trial and a not unfriendly judge, the man charged with violating the Volstead law, unless he be a common bootlegger, not infrequently escapes conviction."

The Baltimore papers regard the trial as of national importance.

The Pennsylvania and Maryland papers cover very much the same ground. The Cumberland (Md.) Times says: "Some day the country may get sober enough to elect a Congress free from class and bloc dictations that will view this prohibition question calmly and sanely and replace the Volstead Act with a law plain, sensible, and honest enough for everybody to understand and reasonable enough for every citizen to respect, obey, and insist upon all others obeying."

The Baltimore Evening Sun sums it all up in the sentence "it showed that under the Volstead Act 2.75 cider is nonintoxicating and therefore legal, whereas 2.75 per cent beer is intoxicating and illegal."

Capt. Wm. H. Stayton, the executive head of the Association Against the Prohibition Amendment, makes this comment, "I think the result of the trial of Mr. HILL opens the door to a sane and legal enforcement of the eighteenth amendment. Then it is up to us to do two things: First to give the people a trial of a sane law which will permit the use of beer and wine of all alcoholic content, like the 2.75 per cent, which seems to be almost universally recognized as non-

intoxicating, and then, after that has been in practice for a few years to decide whether that is what we want."

In contrast with this is the angry explosion of Orville S. Poland, attorney of the Anti-Saloon League of New York, who says: "If the case proves anything positively, as against negatively, it is the fact that Congressman HILL and his guests were tanks and apparently did not get drunk. If this group of Baltimore hooch hounds did remain sober, it proves nothing as to anyone else, and each case arising under this provision of law will have to stand on its own feet."

Comment from the Southern papers is significant. The Atlanta (Ga.) Constitution says that "If the Maryland test case is accepted as authority, the lid is off."

The Chattanooga (Tenn.) Times shows that under this decision, "beverages containing 2.7 per cent of alcohol which are made for home use, are not intoxicating in fact, although the same beverages which were not made in the home are intoxicating in theory and therefore prohibited under the eighteenth amendment." "This result presents a humiliating conflict between law and fact, which may account for the widespread contempt for the law."

The Wilmington (N. C.) Star says: "It really begins to look as if the now famous dry law was patterned in its intricacies something on the order of the still worm, the destruction of which was its prime motive."

The Tampa (Fla.) Tribune declares: "It is safe to say that 'home brew,' wine, beer, and whisky is being made and used in millions of homes in this country, regardless of the Volstead Act and the prohibition authorities."

The Newport News (Va.) Press says: "It is well known to the general public and to the officers of the law that wine is made in thousands of American homes."

The Louisville (Ky.) Herald points out that, "Nothing in the verdict covers home-brewed beer, because that is made of malt and hops. It might be argued that hops are fruit, but certainly malt is not. Thus the farmer, who is chiefly responsible for prohibition, may have his cider hard, while the city man, who is more frequently 'wet,' must perforce remain dry. The farmer with a few ancient and disreputable apple trees can have all the 2.7 per cent cider he wants. The city man can not afford to make cider from apples that sell for 5 cents each."

The Columbia (S. C.) Record remarks: "It must be terribly humiliating that JOHN PHILIP HILL has been acquitted by a jury of his peers of the frightful, odious crime of making cider with a perceptible kick in it, and wine, oh boy! with an alcoholic content of 11 per cent. It was not once a crime to do such things, and it is not now a crime to do such things in any other land than in this land of the freak laws."

The Newport News (Va.) Press says: "The Layman Act of Virginia, with all its rigid provisions, is more liberal than the Federal law, for it authorizes those who may have the 'makings' on their own premise to manufacture all the wine and cider they want, regardless of the alcoholic content. This, of course, is a sop to farmers, but it violates both the letter and the spirit of the eighteenth amendment."

The Daytona (Fla.) Journal says: "Congress may indeed have made an exception for the benefit of the farmer only, but if it is to stand it will have to be in favor of home brewers in general, and Representative HILL has performed a service in forcing a test of the question."

The Newport News (Va.) Press says: "It is the most important case which has been tried since the Volstead Act took effect and must give prohibitionists grave concern. * * * The prohibition question is still in a state of fermentation."

The Baltimore News of November 15 reports that "floods of telegrams and letters from all parts of the country are being received at Congressman HILL's home and office congratulating him on the outcome of his trial and promising him support when he opens his fight in Congress next month for liberalization of the Volstead Act."

The New Republic of November 26 sums it all up in this paragraph:

"The acquittal of Representative HILL, charged with making for home use beverages with an alcohol content in excess of one-half of 1 per cent, has given a new impetus to the 'light wines and beer' movement. Constitutional prohibition does not distinguish between home brew and alcoholic beverages produced for sale. It prohibits all intoxicating liquors, under whatever system they may be produced. What percentage of alcohol makes a beverage intoxicating is not determined by the Constitution. In enacting the Volstead law Congress fixed upon one-half of 1 per cent as the limit of toleration. Suppose it had fixed on 5 per cent or 10; would it have been guilty of repudiating its obligations under the Constitution? Not unless such a percentage could be established as intoxicating in fact. One court at least has decided that beverages with much more than one-half per cent of alcohol are not intoxicating in fact. It has taken its definition of intoxication from the every day use of language, not from refined physiological usage. The case will not be appealed to the higher courts. If it were, and the higher courts followed the same line of reasoning, the light wines and beer advocates would find the way clear to remove the ban on such beverages if they could get the support of a majority in

Congress. For common sense refuses to regard as intoxicating in fact beverages which produce only a mildly exhilarating effect when consumed up to the normal limits of appetite."

We must have equality under all Federal laws. If in the pending motor traffic bill some of the penalties should be held invalid, the other and valid penalties should be reconsidered, and Congress should pass a whole new law in the light of the decision of the Supreme Court. To do otherwise is to recommit the absurdities of the Volstead Act, where one-half of 1 per cent of alcohol in malt juice is illegal while one-half of 1 per cent of alcohol in apple juice is entirely legal. That is why I moved to strike out section 18 of the pending bill.

I should like to strike out the eighteenth amendment to the Constitution also; and some day it will either be modified or it will suffer the fate of the fourteenth and the fifteenth amendments. I thank the gentleman from Michigan [Mr. CRAMTON] for asking me the question, and for thus giving me the opportunity for these few remarks on equality in, of, and by Federal laws. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Maryland to strike out section 18.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for one minute in order to inquire whether the gentleman from Maryland was moving to strike out the eighteenth section of the bill or the eighteenth amendment to the Constitution of the United States?

Mr. HILL of Maryland. Oh, Mr. Chairman, I have read this amendment and also the Constitution of the United States, even though the gentleman from Michigan does not seem to be very familiar with either.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SPROUL of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold that for a moment.

Mr. SPROUL of Illinois. Yes.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

DEFICIENCY APPROPRIATION BILL

Mr. MADDEN, by direction of the Committee on Appropriations, reported the bill (H. R. 12392; Rept. No. 1568) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, etc., which was read a first and second time, and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

NIGHT SESSION TUESDAY, FEBRUARY 24, 1925

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that to-morrow, between the hours of 8 p. m. and 11.30 o'clock p. m., it shall be in order to consider bills on the Private Calendar unobjected to, beginning at the beginning of the calendar.

The SPEAKER. The gentleman from Ohio asks unanimous consent that to-morrow night, between the hours of 8 and 11.30 o'clock, it shall be in order to consider bills on the Private Calendar unobjected to, beginning at the beginning of the calendar. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, we got nearly through the calendar at the last session,

and I fear if we begin that way we will never in the world reach those other bills that have never had a chance.

Mr. LONGWORTH. There are several bills on the calendar which Members are very greatly interested in, and I can not modify the request.

Mr. BLACK of Texas. I shall not object, but I register my protest because I do not think it is fair to the other bills.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WURZBACH, on account of illness.

MAKING REPLY TO THE BALTIMORE SUN—STRANGE REASONS GIVEN WHY MARYLAND HAS NOT JOINED THAT CONSTITUTIONAL UNION

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, for two or three years the Baltimore Evening Sun has been disporting itself frequently after the reckless fashion of fundamentally "wet" papers, as careless of facts in attacking "Congressman, the Rev. WILLIAM DAVID UPSHAW" and his position on the liquor question as General Sherman was said by Henry Grady to be "careless about fire." The last "volcanic eruption" from the belligerent editorial sanctum over in Baltimore dealt with an address which I made in Annapolis at a rally of the leading churches under the auspices of the Lord's Day Alliance, in which I took the position that those who disregard the command of God to "remember the Sabbath day, to keep it holy," are for the most part in league with those who fought for the continuation of saloons before prohibition came and now discourage the Government itself, the patriotic Anti-Saloon League, and all other private, consecrated agencies in their efforts to enforce this constitutional law. But the Sun editorial went further than to take sharp issue with me on this point, but indulged in some characteristic criticisms of Georgia, Georgia's governor, and Georgia's institutions in general.

Having never before made any reply to these antiprohibition, anti-Upshaw, anti-Georgia explosions. I have finally decided that every impulse of loyalty to my cause and my State calls for a reply.

Through leave granted me by the House to extend my remarks in the RECORD I am giving here a somewhat detailed reply, which appears in the Evening Sun of February 24:

CONGRESSMAN UPSHAW REPLIES TO BALTIMORE SUN

EDITOR BALTIMORE EVENING SUN:

Through the kindness of some anonymous friend in the Maryland metropolis, I have received a delayed copy of your editorial of February 12, based on an utterance of mine in a speech under the auspices of the Lord's Day Alliance in Annapolis the night before.

If I were to attempt to answer all the criticisms hurled at me by the "wet" papers in America because of my "safe and sane" fight in Congress, and outside, for sober officials and sober citizens, I would have no time to properly represent my district as I seek to do on all essential matters; and, indeed, if I had simply answered every foolish fling which The Evening Sun has made at "Congressman the Rev. WILLIAM DAVID UPSHAW" during the last two and a half years, I would have found time for little else. What you say about me personally or officially, because of my consistent attitude and my persistent battle for constitutional, personal, and official sobriety is a small matter, so small that you and your readers are witness to the fact that until this good day I have never made reply; but when you attack my State, my governor, and the Constitution of my country, all in one broadside of "selective anarchy," I think, perhaps, for the sake of thousands of your readers who laugh at your folly, and perhaps other thousands who approve your unfortunate, unpatriotic course, I should make some comment—especially since you close your editorial with the words "Can Mr. Upshaw tell why?"

Infinitesimal as I regard your vaudeville editorial performances, I would get up at midnight to help you personally if you were in trouble, and fearing you would be "utterly crushed" from wounded pride if I should pay no attention to your personal question so publicly propounded, I answer now, benevolently remembering that the forthcoming congressional vacation of nine months will leave you mighty lonesome with no "gentleman from Georgia" to attack in word or thought before saying your morning prayers.

First of all, let's get the record straight. In your frequent editorials you refer to me as "Congressman, the Reverend," etc. Much as I honor the ministry, I have often said in public utterances in Baltimore and in Washington that I am not an ordained preacher—just a Christian layman actively at work—and one reason I have never been ordained is the fact that I have wanted to be free as a layman to help lick the fellow who jumps on preachers. I love to be free as a layman, in the pulpit and outside, to crown the preachers of Jesus Christ as the most unselfish set of men the world has ever seen. But as I am not an

ordained preacher, suppose you be a good sport hereafter and refer to me—if ever again—simply by my name, without trying to create some sort of prejudice among your "wet" readers by tying a preacher and a Congressman together. There is no harm, to be sure, in putting them together, but I prefer not to wear any robes or parade in any plumage that is not my own.

In other words, "quit your kidding" and talk sense.

YOU MUST BE "SKUN"

Being naturally tender-hearted, I feel somewhat like the mountaineer preacher just before he licked the highwayman who held him up—I feel a sense of commiseration just before the act of annihilation which I am compelled to visit upon your far-fetched argument, but I tell you now like the little fellow who was trying to skin the live minnow which he had caught from the limpid brook: "Hold easy, little fish, and I will skin you just as easy as I can, but you've got to be 'skun.'"

Maybe you remember the Irish lad, Mike, who, when his mother upbraided him for scratching his head, grinned and replied: "I won't stop, Ma'am—they 'kummenced' on me 'fust.'" Remember, Mr. Editor, you began on me first. You have, for many rebellious months, bombarded me with shafts of rallery and attempts at logic because of my great crime of being as "dry" and as conservative as the Constitution of my country. You complain because I complain that Maryland has not "joined the constitutional Union." In other words, when practically all of her sister States have taken their places beside the Federal Constitution by passing a concurrent law to help enforce that part of the Constitution that outlaws the liquor traffic, "Maryland, my Maryland"—I mean, your Maryland, says to "Uncle Sam" and his prohibition law: "Nothing doing! Although this law was passed by due governmental process, after generations of education and agitation, I refuse to obey the spirit of your Constitution or share the fellowship of my sister Commonwealths."

A TRAGEDY IN STATEHOOD

What a tragedy in statehood! The State of Maryland ought to be like many patriotic citizens, not only in Maryland, but all over the Union, who were formerly conscientiously "wet," but who, since the National Government has constitutionally spoken, refuse to put their individual appetite above the Constitution of their country! That is patriotism in the individual—that ought to be the course of every loyal Commonwealth, remembering that, according to Supreme Court decision, every atom of the Constitution is law upon every inch of ground covered by the Constitution and the flag. And yet, when I good-naturedly but definitely "dared the Baltimore papers to tell why Maryland has never joined the constitutional Union," you make the following utterly illogical answer:

First: Maryland has not joined these States that support the Volsteadian hypocrisy for the very reason that Georgia did join it.

What piffle! You know that, "wet" as that statement is, it won't hold water. Forty odd States besides Georgia, with varying local conditions and problems, have joined the so-called "Volsteadian hypocrisy." What unspeakable effrontery to charge 300,000 praying wives, and mothers, and daughters of the Women's Christian Temperance Union, supported by the bravest, most unselfish set of men who ever inspired American youth and defended American homes, with many millions more of unorganized but none the less earnest citizens, with being animated by "Volsteadian hypocrisy!" If you had never uttered anything but that harsh and baseless indictment since the eighteenth amendment was passed, it would be enough to defeat your "wet" cause forevermore.

Volsteadism indeed! It is surely a weak cause that must leave the essence and the facts in an argument and resort to an aspersive epithet. Mr. Volstead was simply an able Member of Congress who was chairman of the Judiciary Committee. Hence the name of the bill. Our prohibition law is no more "Volsteadism" than it is Neal Dowism, or Frances Willardism, or D. L. Moodyism, or Sam Jonesism, or Billy Sundayism; it is simply red-blooded, sober, God-fearing constitutional Americanism, which fought its way into our laws by due constitutional process, and every patriotic American will personally obey this law and encourage others to obey it.

Second. You give as your second reason for not joining the prohibition union that—

"Maryland is not dominated by Ku Klux intolerance. Maryland does not elect Ku Kluxian governors," etc.

This is worse than piffle. The modern Ku-Klux Klan had hardly been heard of when Maryland was first confronted by the patriotic obligation to join the constitutional union, in 1918-19. The modern Ku-Klux Klan was utterly unknown through the masterful, militant march of the years when the forces of righteousness were valiantly fighting for two generations against the corrupting saloon which Maryland tried so hard to retain, the saloon that was the trysting place of anarchy, the companion of the brothel, and the gateway to hell. Nay, nay, Mr. Editor! Nay, nay, "wet" Baltimore! It has not been "liberty" but liquor; not the klan but "klaret" that has influenced your action in staying out of the prohibition union.

And since you speak of governors, let it be remembered that I hold no brief for Georgia's governor further than to say that I have known him since his boyhood, and I know Clifford Walker to be a golden-hearted Christian man, always on the right side of every moral question. If he has elected, in the exercise of his American freedom, to belong to a secret, fraternal, patriotic organization of Protestant Americans like the klan, he certainly has as much right to belong to that as some other governors in America have a right to belong to the Knights of Columbus, an organization so secret and so exclusive that nobody but an oath-bound Roman Catholic may belong. It is easy enough for the Evening Sun to prate about "intolerance" on the part of Protestant clansmen, or Masons, or members of the Junior Order of United American Mechanics, but you seem to think that there is nothing intolerant about Catholics and Jews banding themselves together in exclusive secret organizations. The fact is—and you know it mighty well—that it is nobody's "blooming" business what organization any man or woman belongs to, just so they are loyal American citizens.

Mr. Editor, I don't relish such a discussion very much, but you "began on me first," and you have written so many columns of "slushy" editorials reflecting on "the gentleman from Georgia" and the State he loves that I think my turn has come.

And why do you single out Georgia for electing a klan governor when the newspapers carried stories of at least a dozen other States, several of them up North, that elected governors evidently supported by klansmen-Americans.

Come, come, Mr. Editor, just "fess up" and admit that the reason you give so much space to Georgia is because that "Empire State of the South" happens to be the home of the Congressman whose "dry" activities seem to pester your thoughts by day and your dreams by night.

Third. You side-step that question entirely by giving as another reason for Maryland's constitutional aloofness the fact that your State "does not support an organization that hires spies in order to stage fake moral clean ups."

It is to laugh—it is almost to weep! You, a great newspaper serving a great metropolis and a great constituency for hundreds of miles aground grab an isolated case of a purely local nature and run off with it as a "reason" for Maryland's attitude on a great moral, constitutional question. But if every word you say were true concerning one special municipal fight in Georgia that would not compare with the great hideous moral responsibility of Maryland's State Legislature in endorsing the crime and the slime of race-track gambling with all its train of debauching evils upon the ideals and the homes of your own Commonwealth and hundreds of thousands from neighboring States.

Fourth. You stand right up in meeting and say in defense of Maryland's course—

"It believes in the first 10 amendments to the Constitution of the United States."

Sakes alive, Mr. Editor, that is "selective anarchy" with a vengeance. If the mention of one thing means the exclusion of another, then you seem to say that Maryland does not believe in the constitutional authority of the other amendments.

You claim the protection of the Constitution and the flag for the property of the Evening Sun and all other property, real and personal, with all the comforts of home and happiness that constitute the flower and fruitage of our civilization, but you deny that Constitution and that flag when they come between you and your own outlawed opinion or between your "wet" supporters and their own outlawed appetite for intoxicating liquor.

Again you say that Maryland "can not support a moral system which considers it proper to give life service to a law which violates every concept of public decency, debauches public officers, tempts youth, and at the same time fails to accomplish that which it pretends to do."

Again you indict the spirit, the ideals, the honesty of the millions of consecrated men and women whom you charge with "lip service," when you know they sincerely fought the saloon which you so sincerely defended.

Your argument that a moral law makes officers corrupt and tempts youth would abrogate every law of God and man from Sinai to Annapolis and Washington.

I do you the moral credit to believe that you believe that if the Baltimore Sun (morning and evening), and all other "wet" papers in Maryland, had begun with the Constitutional enactment of the eighteenth amendment to help in every way possible to enforce the law, instead of doing your best to bring it into disrepute, Maryland would have a far better reputation for law-abiding sobriety and your youth, your homes, and your churches would be far happier in righteous progress.

Finally. You quote, as you have so often done before, the pledge of total abstinence which I signed on the floor of Congress, and ask "Can Mr. UPSHAW tell why other Congressmen did not come forward and sign?"

Let's get the record straight for the last time. Much as I believe that it would be a wholesome thing at this time of public suspicion

concerning public officials, for all of them to openly declare their personal attitude on this moral and patriotic question for the sake of their influence upon American youth, it is only fair to say that the occasion to which you have so often referred was not of my own initiative.

Mr. HILL of Maryland had just made a speech in which he "dared" "the gentleman from Georgia and his colleagues to sign the pledge," declaring that if they would sign he would agree never to touch the flowing bowl again until the Volstead law is modified or repealed. I simply accepted his challenge so far as I was personally concerned, employing the Lincoln-Lee pledge of the Anti-Saloon League, the heart of which was written and signed by Abraham Lincoln. And when I had said "In the presence of Almighty God and my colleagues I sign this pledge," I "dared" Mr. HILL to sign with me, but he refused. Nobody else was asked to sign. That's all there was to that incident out of which the Evening Sun has tried to make so much.

It should never be used to make the impression aboard that Members of Congress are not overwhelmingly dry in practice as well as in precept. I have always paid high tribute to the personnel of Congress, declaring that where the average is so splendid, the few who do drink and bring dishonor upon the reputation of their sober colleagues ought to quit their devilment or resign from Congress—for political leaders should also be moral leaders of our youth.

America is engaged in the greatest moral battle any nation has ever known, and the friends of "that righteousness that exalteth a nation" covet the support of a great paper like the Baltimore Evening Sun, and the hearty cooperation of the historic Commonwealth of Maryland.

WILLIAM D. UPSHAW.

ATLANTA AND WASHINGTON.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 24, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

901. A communication from the President of the United States, transmitting a supplemental estimate of appropriation from the reclamation fund (special fund) for the fiscal year 1925, to remain available until June 30, 1926, amounting to \$200,000, for the Department of the Interior (H. Doc. No. 646); to the Committee on Appropriations and ordered to be printed.

902. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the purpose of carrying into effect the provisions of the act of February 13, 1925, for disposal of Patent Office models (H. Doc. No. 647); to the Committee on Appropriations and ordered to be printed.

903. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior in the sum of \$20,000 for the fiscal year 1925, to remain available until June 30, 1926, for the expense of the Southern Appalachian National Park Commission (H. Doc. No. 648); to the Committee on Appropriations and ordered to be printed.

904. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1925, amounting to \$164,169.23, for claim of Government of Norway (H. Doc. No. 649); to the Committee on Appropriations and ordered to be printed.

905. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, pertaining to the activities of the Public Health Service, \$32,600 (H. Doc. No. 650); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FITZGERALD: Committee on World War Veterans' Legislation. S. 33. An act making eligible for retirement under certain conditions officers and former officers of the Army or naval service of the United States other than officers of the

Regular Army or Navy who incurred physical disability in line of duty while in the service of the United States during the World War; without amendment (Rept. No. 1563). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 3018. An act to authorize the designation of deputy fiscal or disbursing agents in the Department of Agriculture stationed outside of Washington; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 179. A joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge"; without amendment (Rept. No. 1565). Referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN: Committee on Appropriations. H. R. 12392. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes; without amendment (Rept. No. 1568). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINCENT of Michigan: Committee on World War Veterans' Legislation. H. R. 12292. A bill granting insurance to Lydia C. Spry; without amendment (Rept. No. 1567). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. S. 862. An act amending section 1 of the interstate commerce act (Pullman surcharges); adverse (Rept. No. 1566). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 12387) extending the limitations of time upon the issuance of medals of honor; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 12388) for the acquirement of land in the District of Columbia as sites for public buildings, and for other purposes; to the Committee on the District of Columbia.

By Mr. WAINWRIGHT: A bill (H. R. 12389) for the erection of a monument upon the Revolutionary battlefield of White Plains, State of New York; to the Committee on the Library.

By Mr. HAUGEN: A bill (H. R. 12390) to create a farmers' export corporation; to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor; and for other purposes; to the Committee on Agriculture.

By Mr. SHALLENBERGER: A bill (H. R. 12391) providing for the irrigation of certain lands in the State of Nebraska; to the Committee on Irrigation and Reclamation.

By Mr. MADDEN: A bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. McDUFFIE: Joint resolution (H. J. Res. 368) directing the Federal Trade Commission to investigate the causes of the increase in the price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Joint resolution (H. J. Res. 369) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document; to the Committee on the Library.

By Mr. WOODRUFF: Joint resolution (H. J. Res. 370) instructing the Secretary of the Treasury to secure from the sculptor and Stone Mountain Memorial Association designs of

plans complete together with use proposed for moneys to be raised by the sale of the commemorative coins; to the Committee on Coinage, Weights, and Measures.

By Mr. MEAD: Resolution (H. Res. 453) directing the Committee on Interstate and Foreign Commerce of the House of Representatives to investigate the activities of the United States Railroad Labor Board, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, petitioning the President and Congress relative to future wars; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota favoring legislation that will prevent water being removed from the Great Lakes by the Chicago Sanitary District; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of South Dakota, favoring the enactment into law of the universal draft bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of South Dakota, requesting Congress to enact adequate truth-in-fabric legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota, favoring correction of the abuse by the Sanitary District of Chicago in the use of water from the Great Lakes; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of South Dakota, urging the early enactment into law of the universal draft bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of South Dakota, favoring truth-in-fabric legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, petitioning Congress to amend the interstate commerce act so as to protect shippers and livestock in their contracts with carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, urging Congress to create an additional Federal district judgeship, and providing for filling the vacancy there caused by the death of Federal Judge John F. McGee; to the Committee on the Judiciary.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, stressing the urgent need of an additional district judgeship in that State, and urging that the Congress of the United States provide immediately by legislation for filling the vacancy caused in said judgeship by the death of the late Federal Judge John F. McGee in the public and private interest; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERSEY: A bill (H. R. 12393) granting an increase of pension to Matilda R. Snow; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12394) granting an increase of pension to Caroline Boerodalle; to the Committee on Pensions.

Also, a bill (H. R. 12395) granting an increase of pension to Hannah Dyslin; to the Committee on Pensions.

Also, a bill (H. R. 12396) granting an increase of pension to Josephine C. Jones; to the Committee on Pensions.

Also, a bill (H. R. 12397) granting an increase of pension to Mary Neff; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12398) granting an increase of pension to Mary E. Harl; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 12399) granting a pension to Jane Calahan; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 12400) granting an increase of pension to Louis Wise; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 12401) granting an increase of pension to Eliza M. Young; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12402) granting an increase of pension to Violet Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12403) granting an increase of pension to Lucinda Young; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12404) granting an increase of pension to Thomas Mahan; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3877. By the SPEAKER (by request): Petition of E. H. Duffield, vice president Arizona Wool Growers' Association, asking for grazing fee relief; to the Committee on Agriculture.

3878. By Mr. BACHARACH: Petition of sundry citizens of Egg Harbor, favoring the passage of the Sterling-Reed bill; to the Committee on Education.

3879. By Mr. CLAGUE: Petition of sundry citizens of Avoca, Minn., not to concur in the passage of compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3880. By Mr. COOK: Petition of Harrie Plummer and 55 others of Van Buren Grant County, Ind., for passage of the Cramton bill; to the Committee on the Judiciary.

3881. By Mr. CRAMTON: Petition of Joy Morton, II, and other residents of St. Clair County, Mich., in support of the game refuge public shooting ground bill; to the Committee on Agriculture.

3882. By Mr. DAVIS of Minnesota: Petition of the South St. Paul Kiwanis Club and the South St. Paul Commercial Club, of South St. Paul, Minn., favoring the erection of a Federal building in that city; to the Committee on Public Buildings and Grounds.

3883. Also, petition of sundry residents of Fairbault and Rice County, Minn., opposing S. 3218; to the Committee on the District of Columbia.

3884. By Mr. MOORE of Indiana: Petition of many persons against S. 3218, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3885. By Mr. NELSON of Maine: Petition of sundry citizens of Maine, opposing the enactment of S. 3218, or any similar legislation; to the Committee on the District of Columbia.

3886. By Mr. O'CONNELL of New York: Petition of the Maritime Association of the Port of New York, favoring the passage of S. 3927; to the Committee on Interstate and Foreign Commerce.

3887. By Mr. WYANT: Petition of the Pennsylvania State Grangers, approving the Dickinson bill (H. R. 12216); to the Committee on Agriculture.

3888. Also, petition of the secretary of agriculture of Pennsylvania, protesting against amendments to Capper-Volstead Cooperative Act and approval of Dickinson bill (H. R. 12216); to the Committee on Agriculture.

SENATE

TUESDAY, February 24, 1925

(Legislative day of Tuesday, February 17, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 12331) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 4202. An act to amend section 3186 of the Revised Statutes, as amended;

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States, and between each other, arising from incomplete or